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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. DREIER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 19, 1995.

I hereby designate the Honorable DAVID DREIER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom comes every good gift, we give our thanks for all Your graces and all Your blessings. We specially offer our gratitude for the gift of Your creation which binds all people together in the spirit of unity. May our lives express that unity and may our work together serve people as to their need. Whatever our background, whatever our ideas or patterns, whatever our experience or culture, You have created each of us, O God, in Your image and we earnestly pray that by Your grace we will reflect that image as we do justice, love, mercy, and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 218, nays 187, not voting 29, as follows:

[Roll No. 20]

YEAS—218

Allard	Chabot	Fowler
Archer	Chambliss	Fox
Armey	Christensen	Franks (CT)
Bachus	Clement	Franks (NJ)
Baker (CA)	Clinger	Frelinghuysen
Baker (LA)	Coburn	Frisa
Ballenger	Collins (GA)	Funderburk
Barr	Combest	Gallegly
Barrett (NE)	Cooley	Ganske
Bartlett	Cox	Gilchrest
Barton	Crapo	Gillmor
Bass	Cubin	Gilman
Bateman	Cunningham	Goodlatte
Bereuter	Deal	Goodling
Berman	DeLay	Goss
Bilbray	Diaz-Balart	Graham
Bilirakis	Dickey	Greenwood
Bliley	Doolittle	Gunderson
Blute	Dreier	Gutknecht
Boehlert	Duncan	Hall (TX)
Boehner	Dunn	Hamilton
Bonilla	Ehlers	Hancock
Boucher	Ehrlich	Hansen
Brownback	Emerson	Hastert
Bryant (TN)	English	Hastings (WA)
Bunn	Ensign	Heineman
Bunning	Everett	Herger
Burr	Ewing	Hilleary
Burton	Fawell	Hobson
Buyer	Fazio	Hoekstra
Callahan	Fields (TX)	Hoke
Calvert	Flanagan	Horn
Camp	Foley	Hostettler
Canady	Forbes	Houghton
Castle	Ford	Hutchinson
Hyde	McKeon	Sensenbrenner
Inglis	Metcalf	Shadegg
Istook	Meyers	Shaw
Johnson (CT)	Mica	Shays
Johnson, Sam	Miller (FL)	Shuster
Jones	Molinari	Skeen
Kasich	Moorhead	Skelton
Kelly	Morella	Smith (MI)
Kim	Myers	Smith (NJ)
King	Myrick	Smith (TX)
Kingston	Nethercutt	Smith (WA)
Klug	Neumann	Solomon
Knollenberg	Ney	Stearns
Kolbe	Norwood	Stockman
LaHood	Nussle	Talent
Largent	Oxley	Tate
Latham	Packard	Thomas
LaTourette	Parker	Thornberry
Laughlin	Paxon	Thornton
Lazio	Petri	Tiahrt
Leach	Portman	Torkildsen
Lewis (CA)	Pryce	Upton
Lewis (KY)	Quillen	Vucanovich
Lightfoot	Quinn	Waldholtz
Linder	Radanovich	Walker
Livingston	Ramstad	Walsh
LoBiondo	Regula	Wamp
Longley	Riggs	Watts (OK)
Lucas	Roberts	Weldon (FL)
Manzullo	Rogers	Weldon (PA)
Martinez	Rose	Weller
Martini	Roth	White
McCollum	Royce	Whitfield
McCrery	Salmon	Wicker
McDade	Sanford	Young (FL)
McHugh	Saxton	Zeliff
McInnis	Schiff	Zimmer
McIntosh	Seastrand	

NAYS—187

Abercrombie	Coble	Evans
Ackerman	Coleman	Farr
Andrews	Collins (IL)	Fattah
Baesler	Condit	Fields (LA)
Baldacci	Costello	Filner
Barcia	Coyne	Foglietta
Barrett (WI)	Cramer	Frank (MA)
Becerra	Crane	Frost
Beilenson	Danner	Furse
Bentsen	de la Garza	Gejdenson
Bevill	DeFazio	Gekas
Bishop	DeLauro	Gephardt
Bonior	Dellums	Geren
Borski	Deutsch	Gonzalez
Brewster	Dicks	Gordon
Browder	Dingell	Green
Brown (CA)	Dixon	Gutierrez
Brown (OH)	Doggett	Hall (OH)
Bryant (TX)	Dooley	Harman
Cardin	Doyle	Hastings (FL)
Chenoweth	Durbin	Hefley
Clay	Edwards	Hilliard
Clayton	Engel	Hinchey
Clyburn	Eshoo	Holden

Hoyer	Moakley	Serrano
Hunter	Mollohan	Sisisky
Jackson-Lee	Montgomery	Skaggs
Jacobs	Moran	Spence
Jefferson	Murtha	Spratt
Johnson (SD)	Nadler	Stark
Johnson, E.B.	Neal	Stenholm
Johnston	Oberstar	Studds
Kanjorski	Obey	Stump
Kennedy (MA)	Olver	Stupak
Kennedy (RI)	Ortiz	Tanner
Kennelly	Owens	Tauzin
Kildee	Pallone	Taylor (MS)
Kleczka	Pastor	Taylor (NC)
Klink	Payne (NJ)	Tejeda
LaFalce	Payne (VA)	Thompson
Lantos	Pelosi	Thurman
Levin	Peterson (FL)	Torres
Lewis (GA)	Peterson (MN)	Torricelli
Lipinski	Pickett	Towns
Lowey	Pombo	Traficant
Luther	Pomeroy	Tucker
Maloney	Poshard	Velazquez
Manton	Rahall	Vento
Markey	Rangel	Visclosky
Mascara	Reed	Volkmer
Matsui	Richardson	Ward
McCarthy	Rivers	Waters
McDermott	Roemer	Watt (NC)
McHale	Rohrabacher	Waxman
McKinney	Roukema	Williams
McNulty	Roybal-Allard	Wilson
Meek	Rush	Wise
Menendez	Sabo	Wolf
Mfume	Sanders	Woolsey
Miller (CA)	Sawyer	Wyden
Mineta	Schroeder	Wynn
Minge	Schumer	
Mink	Scott	

NOT VOTING—29

Bono	Gibbons	Reynolds
Brown (FL)	Hayes	Ros-Lehtinen
Chapman	Hayworth	Scarborough
Chrysler	Hefner	Schaefer
Collins (MI)	Kaptur	Slaughter
Conyers	Lincoln	Souder
Cremeans	Lofgren	Stokes
Davis	Meehan	Yates
Dornan	Orton	Young (AK)
Flake	Porter	

□ 1018

Messrs. DINGELL, MORAN, MCHALE, MONTGOMERY, BALDACCI, and PALLONE changed their vote from ''yea'' to ''nay.''

Mrs. MYRICK and Messrs. QUINN, MCHUGH and SOLOMON changed their vote from ''nay'' to ''yea.''

Mr. WILSON changed his vote from ''present'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. DREIER). Would the gentleman from Kentucky [Mr. WHITFIELD] please come forward to lead us in the Pledge of Allegiance.

Mr. WHITFIELD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the CONGRESSIONAL RECORD shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

In the CONGRESSIONAL RECORD that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the RECORD.

The first change is as follows:

He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, ''It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order.''

That has been altered and that does not appear verbatim in the CONGRESSIONAL RECORD. Instead, it says, ''It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order.''

Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, ''it has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker.''

In the CONGRESSIONAL RECORD that has been changed to ''a proper level of respect.''

Now, I do not believe that changing ''personal'' to ''critical'' and ''proper'' to ''higher'' is either technical, grammatical, or typographical. Both make quite substantive changes. Indeed, Mr. Speaker, it seems to me that by the standard that the Speaker yesterday uttered, the gentlewoman from Florida was judged, but if you take today's standard of revised, illegitimately revised version that is in the RECORD, there would be no objection to what the gentlewoman from Florida said.

The SPEAKER pro tempore. The Chair might respond to the gentleman.

The Chair would recite from the manual that in accordance with existing accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling.

The Chair would under the circumstances inform the House on behalf of the Parliamentarian that the new rule is as it might apply to the role of the Chair will be examined.

PARLIAMENTARY INQUIRIES

Mr. FRANK of Massachusetts. Mr. Speaker, I am puzzled, and I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. The Speaker cited previous references to the House rules and manual. That predates the rules change adopted this year. This is not simply a case of making a technical change in a ruling. We are talking also about substantive changes in the debate in the House.

The SPEAKER pro tempore. The Chair has made it very clear, the Chair would say to the gentleman.

Mr. FRANK of Massachusetts. No, the Chair has not.

The SPEAKER pro tempore. The Chair has made it clear that the Parliamentarian plans to examine this issue.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. In the first instance, I thought the Speaker was the responsible ruler in this situation, while the Parliamentarian advised him.

The SPEAKER pro tempore. The gentleman is correct.

Mr. FRANK of Massachusetts. Second, I want to know, are you telling me that this new change in which you say that it has to be verbatim, in fact, does not mean that, because two very important changes were made in the transcript from yesterday to today?

The SPEAKER pro tempore. The Chair has informed the gentleman that this issue is going to be examined in consultation with the Parliamentarian.

Mr. DINGELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan is recognized.

Mr. DINGELL. Can you inform this Member and the House of what the meaning of the reexamination is?

You are informing the House that the issue is going to be reexamined. Yesterday the Speaker then presiding made a ruling which now appears in the precedents of the House. It interpreted the precedents of the House. It related to the rights, the behaviors, the dignities of the Members, and it dictated the future course of conduct of Members of this body.

Is the Chair informing us that the rulings of the Chair yesterday stand, that the rulings of the Chair yesterday have been changed without approval by the House?

The SPEAKER pro tempore. If the Chair might respond to the gentleman.

Mr. DINGELL. I would like to persist in my parliamentary inquiry. Or that the rulings of the Chair of yesterday are going to be reexamined?

The SPEAKER pro tempore. The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule XIV establishes an absolute rule against engaging in personality in debate where the subject

of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule XIV. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated as follows:

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.

Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

> The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons; first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities.

The Chair will inform that the Chair is going to proceed with 1-minutes.

Mr. DINGELL. Mr. Speaker, with all due respect to the gentleman, the question has not been responded to.

I want to thank the Chair for his comments. I would like to restate my parliamentary inquiry.

The question to which I would appreciate the Chair addressing his attention is: Yesterday the words of the Speaker were definitively put. The House acted upon the words of the Speaker. The Members on this side of the aisle voted unanimously to take down the words and to take other actions against the gentlewoman who at that time held the well.

The Chair has noted, I believe correctly, as has the gentleman from Massachusetts, that the RECORD was changed overnight to change the words of the then-presiding officer of this body.

The words——

The SPEAKER pro tempore (Mr. DREIER). If the Chair could respond to the gentleman——

Mr. DINGELL. May I complete my parliamentary inquiry, please, Mr. Speaker?

The Chair made certain rulings; precedents were quoted; new precedents were created. Those new precedents which were created have defined again the rights of all Members of this body.

I am asking whether now the Chair is changing the precedents of the House, whether the change of the words indicates a change of the precedents of the House. What are the rights of the Members of this body with regard to rulings of the Chair?

The Chair made a ruling yesterday. That ruling and matters relative to it including the words of the Speaker in connection with those words have now been changed.

The SPEAKER pro tempore. Based on the precedents the Chair has just outlined, the Chair does not believe that the intent has in any way been altered.

Mr. DINGELL. I have not completed my parliamentary inquiry. I ask to complete my parliamentary inquiry. Am I going to be permitted to complete this or not?

The SPEAKER pro tempore. The gentleman from Massachusetts; the gentleman from Massachusetts.

Mr. DINGELL. I am asking that I be permitted to complete my parliamentary inquiry and get a ruling from the Chair, unless the Chair chooses not to respond.

The SPEAKER pro tempore. The Chair has ruled.

Mr. DINGELL. No, the Chair has not. Because you have not ruled on my parliamentary inquiry.

The SPEAKER pro tempore. The ruling of the Chair is that the RECORD that has been changed does not significantly change the intent that was behind that ruling——

Mr. DINGELL. Mr. Speaker, well then I have a further parliamentary inquiry.

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The SPEAKER pro tempore. Based on the precedents that the Chair has provided.

Mr. DINGELL. I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is seeking a parliamentary inquiry. It is the prerogative of the Chair.

The gentleman from Massachusetts.

Mr. DINGELL. Am I going to be permitted to ask a parliamentary inquiry?

The SPEAKER pro tempore. The House will be in order.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mine will be quick, and then he can get his in there.

My question is this: It has to do with the rule about changing. It is a two-part question.

Am I correct that the Speaker acknowledges that the CONGRESSIONAL RECORD was changed in ways that were not either grammatical, typographical or technical, changing from ''personal'' to ''critical'' and ''higher'' to ''proper,'' clearly substantive?

The second question is: Is the remedy for the violation of this rule that the Speaker talks to the Parliamentarian? I am all in favor of conversation, but I am surprised that a new rule as part of the Contract With America is breached and has as its remedy a conversation by the Speaker with the Parliamentarian.

The SPEAKER pro tempore. The interpretation of the Chair is that the modifications that were made based on the precedents that the Chair has just outlined have not changed the intent.

Mr. FRANK of Massachusetts. Does modification mean change?

Mr. WATT or North Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, in the Judiciary Committee a couple of weeks ago, we adopted a set of rules which provide that a hearing can be called only by the committee on 7 days' notice. We conducted a hearing that was not so called, and the chairman of that committee advised the committee that the word ''committee'' does not mean committee, it means chair instead and invited us to seek an opinion from the Parliamentarian which we did, and the Parliamentarian's opinion indicated that the word ''committee'' means, in fact, ''committee.''

My parliamentary inquiry is: Should we take this as an indication, in conjunction with yesterday, that we are going to make up the rules as we go along and make technical changes to suit the whims of the chairs of the committees and whoever is presiding over the House, or can we rely now on the rules as they are written?

The SPEAKER pro tempore. The Chair can rely on the rules that have been written, and we will proceed under the adopted rules of the House.

The gentleman from Michigan.

Mr. DINGELL. I appreciate the Chair recognizing me. I would like to continue with my parliamentary inquiry.

I hope the Chair will have the goodness to let me complete my inquiry before I am ruled out of order and required again to take my seat.

My question is: What is now the status of the original ruling by the previous occupant of the chair in connection with the matter of the 1-minutes yesterday and the remarks of the gentlewoman from Florida?

The SPEAKER pro tempore. It is not changed at all.

Mr. DINGELL. Have they been changed?

The SPEAKER pro tempore. If the Chair might respond to the gentleman's parliamentary inquiry——

Mr. DINGELL. May I complete my parliamentary inquiry?

The SPEAKER pro tempore. The gentleman has asked a question, the Chair wishes to respond to the gentleman's parliamentary inquiry.

Mr. DINGELL. May I complete my parliamentary inquiry?

The SPEAKER pro tempore. In response to the gentleman's parliamentary inquiry, the Chair has interpreted there will not be a change based on the precedents that have been established. The statement that appeared in the RECORD was not different than that that had been provided.

Mr. DINGELL. If there is no change, Mr. Speaker, then why were the words changed, and what is the impact of the change of the words?

The SPEAKER pro tempore. If the Chair might respond to the parliamentary inquiry, the revisions that were made were technical and not substantive. That is the ruling of the Chair.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I am very puzzled when you tell me they are technical and not substantive.

Would you instruct your Members that you would recognize me and I am proceeding in regular order?

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

The House will be in order.

Mr. FRANK of Massachusetts. The question is this, and it is a very serious one: When you say that ''personal'' and ''critical'' are the same thing, we were talking about references to the Speaker. Is it the Chair's ruling that given the circumstances any personal reference to the Speaker will inevitably be critical?

The SPEAKER pro tempore. Based on the precedents that have been provided especially during the 1-minute session, which is what came up under Speaker Reed, it is very clear that these kinds of references are not in order.

Mr. FRANK of Massachusetts. Mr. Speaker, I am talking now that there are two separate questions here, the ruling which my friend from Michigan was pursuing, and the new rule which the Republicans brought to this House as part of the Contract that said you do not change the Congressional Record; that is subsequent to all of the precedents you are talking about. There are two questions: One, your right to change the ruling; but, two, separate, the one I am focusing on, your right to change words in the CONGRESSIONAL RECORD in ways that are neither typographical, grammatical or technical, and I submit that changing ''personal'' to ''critical,'' one more sentence, ''personal'' to ''critical,'' and ''higher'' to ''proper'' are none of those. My question is: Why are you ignoring your new rule and changing the words in the CONGRESSIONAL RECORD, because they look better?

The SPEAKER pro tempore. The Chair will announce that it is obvious that these kinds of modifications have been raised as a question, and in the future the Chair will continue to be extraordinarily sensitive in dealing with these matters.

At this point we will proceed with 1-minute speeches.

Mr. DURBIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, before we start the 1-minute speeches, I think it is important that we clarify this issue so that Members do not have the words taken down.

The SPEAKER pro tempore. The Chair has done that.

Mr. DURBIN. If the gentleman from Illinois might inquire of the Chair, relative to the ruling of yesterday as modified in today's CONGRESSIONAL RECORD, it is unclear to me as to how far Members can go in reference to any Member of the House including the Speaker in terms of things that they have done, things that they have said, things that have been written about them, and it is curious at this point as to how far we can go in the statements on our 1-minute speeches or in special orders without transgressing the stated rules of the House.

If I might, I would like to ask the Chair's position as to whether Members in statements on the floor can make any references to activities of Members which may raise ethical questions.

□ 1040

The SPEAKER pro tempore (Mr. DREIER). The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

First, clause 1 of rule 14 establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule 14. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated:

> Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Member of the House in a way that inevitably engages in personalities.

Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the Presiding Officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House. Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents, at section 5188, from which the Chair now quotes as follows:

> The Chair submits to the House that allusions of criticisms of what the Chair did at some past time is certainly not in order. Not because the Chair is above criticism or above attack, but for two reasons: First because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker can not reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons such attacks ought not to be made.

Mr. DURBIN. If the Chair would yield for another parliamentary inquiry?

The SPEAKER pro tempore. On behalf of the Parliamentarian, the Chair apologizes to the House for any deviation that may have taken place from the new rule.

Mr. DURBIN. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FRANK of Massachusetts. I have a unanimous-consent request. I would ask unanimous consent.

The SPEAKER pro tempore. The gentleman from Illinois is recognized.

Mr. DURBIN. I will yield to my friend from Massachusetts in a moment. But if I may say this, this Member and most Members have the highest regard for the professionalism of the House Parliamentarian and his staff, and I want to make that clear and a matter of public record. If an apology has been extended, from this Member's point of view it is certainly accepted because I believe their level of professionalism is respected by all. We clearly will have differences of opinion on rulings.

I just would like to ask two questions by parliamentary inquiry and then I will sit down. I thank the Chair for

rereading the ruling. It is improving every time he reads. But I would ask this question. Can a Member during the course of a 1-minute make any reference to an activity of another Member, including the Speaker, which has taken place outside this Chamber?

The SPEAKER pro tempore. Based on the precedents, only a factual reference can be made.

Mr. DURBIN. A factual reference can be made.

The SPEAKER pro tempore. Without any suggestions whatsoever of impropriety.

Mr. DURBIN. One further inquiry. Does this limitation in terms of reference to personal conduct beyond factual conduct apply to those who serve in Government and the executive branch as well as the legislative branch?

The SPEAKER pro tempore. It applies to the President of the United States.

Mr. DURBIN. Does it apply to anyone else serving in the executive branch?

The SPEAKER pro tempore. It applies to the President of the United States.

The gentleman from Michigan.

Mr. BONIOR. Parliamentary inquiry, Mr. Speaker, and this will be the final comment by me on this issue. We are eager to get on with the business of the House. But there are some very fundamental issues, as we have heard on the floor this morning, at stake here. We are being told that the Speaker is being placed above criticism and comments.

The SPEAKER pro tempore. The gentleman is incorrect in drawing that conclusion.

Mr. BONIOR. The issue that we have before us in basically closing down voices. The RECORD of this House is being changed arbitrarily, committee meetings are being shut down prematurely. Private meetings on major policies issues are being held outside this institution. Members are being gagged on the House floor.

The question I have, Mr. Speaker, is this going to be the policy of the new majority in the 104th Congress?

The SPEAKER pro tempore. Absolutely not. Absolutely not.

The gentleman has not stated a parliamentary inquiry.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The House will proceed with five 1-minutes per side.

CONTRACT WITH AMERICA

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, our Contract With America states as follows: That on the first day of Congress, a Republican House will force Congress to live under the same laws as everyone else, will cut one-third of committee staff, and will cut the congressional budget. We have done that.

In the next 85 days we will vote on the following 10 items. One, a balanced-budget amendment and line-item veto. Two, a new crime bill to stop violent criminals. Three, welfare reform to encourage work, not dependence. Four, family reinforcement to crack down on deadbeat dads and protect our children. Five, tax cuts for families to lift Government's burden from middle-income Americans. Six, national security restoration to protect our freedoms. Seven, Senior Citizens Equity Act to allow our seniors to work without Government penalty. Eight, Government regulation and unfunded mandate reforms. Nine, common sense legal reform to end frivolous lawsuits. Ten, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

DOUBLE STANDARD

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, I do not believe that we can have two standards for speech, I do not believe that we can change the precedents and the rules of the House arbitrarily, and certainly in this Chamber we should not abridge the first amendment.

I just want to comment that I am not sure that most of our Members and most of the public can appreciate how serious a violation we think the Speaker has engaged in and how deeply we take this issue.

There are, I think, two different areas we have to look at to understand why we would charge this as a total betrayal of trust. Whether it is a total betrayal of trust because of his lack of judgment, or whether it is a total betrayal of trust because of deliberate actions I do not think we know yet.

Those are the words of now-Speaker GINGRICH regarding Speaker Wright on the floor of the House. He went on further to call Speaker Wright a collaborator and a quizzling, and all of these words were spoken after the ruling quoted by the Chair of June 15, 1988.

THE MORE WE KNOW

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, ''I understand you want to write a book. I own a publishing company you know.'' Could these words have been uttered in the Rayburn Room just off the House floor?

Mr. Speaker, the more we know, the more we have to wonder, what went on in the backrooms of the Capitol. Only a full airing of the facts will determine whether something illicit took place. Only an outside, independent, counsel can tell us for sure.

What was said? What was promised? What is the deal? What is in the contract? It is time that an independent counsel expose the truth.

Mr. Speaker, do the Republicans have a contract with America or a contract with Rupert Murdoch?

No one serves two masters, Mr. Speaker. No one serves two masters.

LET US BEGIN TO SOLVE THE SERIOUS ISSUES FACING OUR NATION

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Mr. Speaker, the American people are looking to the 104th Congress more than any Congress in recent memory with hope and anticipation that we begin to solve the serious issues facing our Nation. Hard-working Americans from across the country have come to Washington to discuss tax relief for families, term limits, and unfunded mandates. Members of Congress have also traveled throughout their districts, their respective districts, talking about crime and welfare reform, a balanced budget amendment, and a tax policy that creates more jobs and better salaries.

But, Mr. Speaker, each day on C–SPAN we listen to some—not all, not even the majority, but some Members of the Democratic Party—and all we hear are attacks on our Speaker, attacks on what he teaches in his college course, attacks on what he writes, attacks on what he believes. If these senior Members of the opposing party spent more time working on substantive legislation and less time attacking our Speaker, this would be a better Congress.

DOING THE PUBLIC'S BUSINESS IN A TRULY OPEN AND PUBLIC FASHION

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, 2 weeks ago America was told that this body was taking action to ensure that just about everything we do is done in full public view. No secrets and nowhere to hide—and that is exactly the way it should be.

But now, in an ironic twist, it appears that there is an effort by some to silence any and all discussion of the Speaker's potentially lucrative book deal.

The citizens of this country deserve to know what kind of financial arrangements have been made in this book deal and what has been discussed behind closed doors that may affect public policy.

There are a lot of things we do not know about the book deal. And that has to raise serious questions and concerns about possible improprieties and conflicts of interest.

But today's and yesterday's action on this floor—and today's rulings, the rulings handed down yesterday and today—have all but stopped us from engaging in an honest dialog on this matter.

It is a slap in the face to the public, and to this institution.

If the majority party is sincere about doing the public's business in a truly open and public fashion, I challenge the leadership to back up their words with action.

THE REAL ISSUES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, what are the real issues facing Americans today? Nonexisting payments for book deals or House historians who are on the job for 1 day? I do not think they really care about that. Americans are concerned about the economy. They are concerned with how our Government affects their lives, they are concerned about their children's future. Republicans are ready to debate the real issues facing Americans today. We are ready to clean up Congress and that huge, overbloated Federal bureaucracy. We are ready to pass legislation that our constituents want, like a ban on unfunded mandates and a balanced budget amendment. I implore my colleagues from the other aisle to join with us in a bipartisan fashion to change Congress, not change the subject.

THE PUBLIC SHOULD NOT BE SHUT OUT OF THEIR HOUSE

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, yesterday, my Republican colleagues set an unfortunate precedent by gagging debate on the House floor, and disallowed the airing of legitimate questions surrounding a Member's financial dealings.

Today, Republicans and the Heritage Foundation plan yet another closed door meeting with telecommunications executives to discuss future regulation of our public airwaves. The meeting is closed to Democrats, closed to the media, and closed to the public.

But, this is not the only way that the public may be shut out of their House. The Heritage Foundation has recommended to Republicans in Congress that they cut corners by charging admission to the U.S. Capitol. In fact, one Heritage Foundation scholar said this week of tourists who take guided tours of the Capitol, and I quote: ''They wear down the steps, they brush against the walls.''

Republicans should not be concerned about the American people wearing down the steps.

They should be concerned about how special-interest influence and book deals are wearing on the reputation of this institution.

THE 10TH AMENDMENT TO THE CONSTITUTION RE UNFUNDED MANDATES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the 10th amendment states that powers not delegated to the Federal Government will be reserved to the States and the people—not the other way around.

However, the Federal Government has turned this amendment on its head by passing on to the States the costs of legislation it cannot afford. This costs States and taxpayers billions of dollars and countless hours in an effort to comply with extraneous regulation.

The States are being forced to sacrifice their own programs and priorities in order to comply with Federal regulations.

In my own State, we passed the Headlee amendment to the Michigan Constitution in 1978. This prevents the State from imposing mandates on local governments. This has worked to the advantage of the entire State; saving money and cutting burdensome regulation for local governments.

The proposed Federal Unfunded Mandate Reform Act will allow greater flexibility for State and local governments, more accountability for Congress and savings for the American taxpayers.

Mr. Speaker, if the Federal Government cannot pay for it, we should not force the costs on the States. It is time we take responsibility for our own actions.

BARBIE DOLL HAS MOVED TO MEXICO ALONG WITH 700 UNITED STATES JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while Congress plays politics with NEWT GINGRICH, last night's trade deficit showed a record of $10.5 billion. The 1994 trade deficit, Democrats, will hit a record $154 billion, which is equivalent to 3 million high-paying American jobs with benefits lost.

It has gotten so bad, Barbie Doll has moved to Mexico. Mattel Inc., from New York, is laying off 700 workers. They will make Barbie Dolls now in Mexico.

Mexico gets jobs, America gets pink slips, and Congress is debating NEWT GINGRICH and balanced budget amendments? Beam me up. There is no intelligent life left in the Congress of the United States.

Where is the trade program of the Democrat Party? We are failing the American workers, and that is why we are in the minority, quibbling over the Speaker.

PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, it is with great pleasure that for the first time I call up House Resolution 38 and ask for its immediate consideration.

The clerk read the resolution, as follows:

H. RES. 38

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Government Reform and Oversight and the Committee on Rules, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each of the first four sections and each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1100

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good

friend, the gentleman from South Boston [Mr. MOAKLEY], the distinguished ranking minority member of the committee, pending which I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, today marks the beginning of a new era of open debate and deliberation in the House of Representatives. This is an open rule for H.R. 5, the Unfunded Mandate Reform Act of 1995. It is the first contract item after opening day to be considered by the full House, and the Rules Committee is keeping its commitment to open and fair debate.

Specifically, the rule provides for 2 hours of general debate divided equally between the chairmen and ranking minority members of the Committee on Government Reform and Oversight and the Committee on Rules.

The rule makes in order an amendment in the nature of a substitute printed in the report to accompany the rule as original text for amendment purposes. The substitute shall be read by title instead of section for amendment, with sections 1 through 4 and each title considered as read.

The Chairman of the Committee of the Whole may give priority in recognition to Members who have preprinted their amendments in the RECORD prior to their consideration, and such amendments shall be considered as read. Finally, the rule provides for one motion to recommit, with or without instructions.

Let me stress that this is more than an open rule. In fact, it is a wide-open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time. Contrary to some speculation, there is no preprinting requirement.

Printing of amendments in the RECORD is an option that is encouraged, and I hope Members will pursue that option. To encourage Members to do so, the rule empowers the Chair to recognize, when two Members seek recognition at the same time, the Member whose amendment has been printed in the RECORD.

A number of my colleagues on the other side of the aisle have argued that this is a complicated bill that needs thorough consideration, and giving Members the option of making amendments available for their colleagues to read in advance will further that objective.

Well, who can argue with that? Apparently my Democrat colleagues on the Rules Committee did. They clamored for more deliberation and more openness, but when presented with a wide-open rule that allows any Member to offer amendments, many of which they say are necessary to improve the bill, they all voted against the rule.

Mr. Speaker, my friends on the minority who were formerly in the majority just cannot seem to shed the closed-door mentality developed over 40 years of iron-fisted rule. The Republican majority, however, is saying with this rule, ''Let's throw open the shades and debate this unfunded-mandates bill in full view of the American people.''

So the choice before us today is very clear, Mr. Speaker. A vote for this open rule is a vote for full debate, full participation, and full deliberation on a bill that has the overwhelming support of State and local government organizations and the American people. It is a bill that will make Congress more accountable by forcing the House and Senate to face the question not only of whether an unfunded mandate is necessary but how it is to be paid for.

In contrast, a vote against this wide-open rule is a vote to obstruct good-government legislation and to continue being reckless and unaccountable with decisions that affect State and local governments and their taxpayers.

Mr. Speaker, I urge my colleagues and even those who in the Rules Committee voted against this rule to, while we are considering it today, realize that it is wide open and will create the kind of deliberation that is absolutely essential. I hope they will vote with us.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may use.

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I am very happy to hear my dear friend from the Rules Committee, the gentleman from California [Mr. DREIER], talk about the openness of the rule.

This is a bill, Mr. Speaker, that did not have a hearing in the House of Representatives. There was no committee hearing. The Committee on Government Operations had some kind of a session, but they did not call it a hearing, and the only one that was allowed to testify was a nonmember of that committee. So there is a lot of openness here, but I do not know if we are opening doors in the right direction.

Mr. SOLOMON. Mr. Speaker, would my good friend yield to me?

Mr. MOAKLEY. I am glad to yield to my good friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say that one of my best friends, the gentleman from Massachusetts, knows that he was present at a lengthy hearing that he and I and other members of the Rules Committee held on this very important issue, particularly title III, which is the most significant part of the bill.

Mr. MOAKLEY. That is right.

Mr. SOLOMON. The gentleman recalls that?

Mr. MOAKLEY. I recall it very well, if I may reclaim my time, but I also recall hearing Members say that there was no official hearing and the only person they heard from—I am talking about the other committee, the Government Operations Committee—was a gentleman who is no longer on that committee.

Mr. SOLOMON. Mr. Speaker, would my good friend yield one more time?

Mr. MOAKLEY. I am glad to yield to the gentleman from New York.

Mr. SOLOMON. We want to move this legislation through, but the gentleman knows that informed him and I informed his chief of staff that they were welcome to have members of his party come and testify before our lengthy hearing and to bring any outside people that they wanted to. And the gentleman did bring, if he recalls, three members from private organizations to testify. But they could have had 15 or 20 and we would have been glad to spend the entire day on the hearing if they wanted to. But we brought in the people we wanted there.

Mr. Speaker, I thank the gentleman for yielding.

Mr. MOAKLEY. Mr. Speaker, I reclaim my time.

As I say, this is a noticeable improvement over the gag rule within the closed rule that we did on opening day, but I am still going to oppose the rule for the consideration of the unfunded-mandates bill.

I am very concerned about the careless way this bill has been thrown together, and I think on such an important bill the American people deserve to be assured that Congress knows what it is passing. After one Rules Committee hearing and with one Republican member testifying at a mark-up, I cannot say that we do.

Here is a bill that has an open rule on the floor, but it has been closed everywhere else. It has been closed to Democrats who want to have input in the committee structure, it has been closed to interested parties who wanted to ask questions, it has been closed to committees of secondary jurisdiction, and, Mr. Speaker, it has been closed to the American people. When people are asked about it, they say that we can handle that on the floor.

Mr. DREIER. Mr. Speaker, will the gentleman yield for just one quick observation?

Mr. MOAKLEY. I would like to finish my statement first.

Mr. DREIER. I am anxiously looking forward to my friend's statement, but I just wanted to state that I believe we accepted the amendment that the gentleman from Massachusetts offered, so I think it is a bit of a push to say that no Democrats had any input on this measure.

Mr. MOAKLEY. I am talking about the committee structure without the entire hearings.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding.

Mr. MOAKLEY. Mr. Speaker, I recognize the Republicans are in a bit of a hurry, but my town people expect a little more consideration when it comes to passing laws that affect them, and I am sure it is the same for other parts of the country, too. The congressional committees have more institutional

issue-based knowledge in their little fingers than we have here in the entire House.

□ 1110

However, the people who know best have been shut out of the process. They have been told to wait until we get to the floor, and ''You can amend it in any section,'' but I am afraid we are reverting back to the old days of Congress where a matter would come up on the floor, you would have to recess, go ad hoc, and try to determine what the answer is.

Mr. Speaker, all I want to let the people know is that the unfunded mandates bill is no small potatoes. It will affect every single American man, woman, and child. It will affect the quality of drinking water and the air that we breathe. It will affect the way asbestos and lead paint are removed from our schools. It will also affect the food we eat and the conditions in which we work.

I worry that overeager Republicans know not what they are passing. I think during the hearing it was brought out that there were questions that were still unanswered, but we will see how we can work it out. I just think this bill is much too important to put that type of criteria on it.

We have a duty to the people we represent to understand the far-reaching effects of the bills we pass, no matter who is in the majority. I am worried we do not know how this bill will really affect American families.

As I said in the Committee on Rules, I much prefer we sacrifice a little speed in the interests of protecting families. Mr. Speaker, I would urge my Republican colleagues in the new majority, let us be responsible. Rethinking the Federal-State partnership takes more than a few days or a couple of weeks. I hope that they will join me in opposing the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, it is a great privilege for me, since it is my first opportunity, to yield 2 minutes to the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], the new chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Claremont, CA, for yielding me this time.

Look out, here comes the beginning of the second Reagan revolution, Mr. Speaker. I am so excited I can hardly stand it. I rise in the strongest possible support for this rule and the Committee on Rules of the 104th Congress. Our first rule is, of course, as my good friend, the gentleman from California [Mr. DREIER], has said, a wide, wide open rule.

The rule before us today, which provides for the consideration of the Unfunded Mandates Reform Act, is yet another example of the Republican majority's commitment to congressional reform on this floor. We pledge to give our legislative proposals free and unfettered debate. We promise to allow Members of Congress, regardless of political party or ideological tilt, the right to offer amendments. Boy, that should please a lot of conservative Democrats over there. They have told me so.

Today we are proposing a rule which accomplishes precisely those two objectives: openness and fairness in this body.

Mr. Speaker, what gets me so excited is the bill itself. It is the first of many steps that will be taken by this new Republican majority to make it as difficult as possible—and Members had better listen up, because this is the intent—to make it as difficult as possible to saddle State and local governments and private business and industry with crippling unfunded mandates. These mandates force local governments to raise taxes to pay for them and force business and industry to comply with unnecessary rules and regulations and laws that sap the operating capital that would otherwise be used for expansion and growth to create jobs and prosperity in this country for the American people.

Mr. Speaker, there are Members of this House today, as I said before, and excuse me for getting so excited, this is the second beginning of the Reagan revolution that will shrink the size and power of this Federal Government. No longer will there be an arrogant attitude around here that says big brother, Federal Government, knows best. Mr. Speaker, those days are gone forever. Please support this legislation.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to hear the pledge of the gentleman from New York to allow wide open rules on all the contract items and to allow Members, regardless of party, the right to offer amendments.

Next week, Mr. Speaker, we are going to take up the balanced budget amendments. I am glad that the chairman has committed to doing that important bill under an open rule today.

As to the gentleman's surprise to my opposition to this rule, let me reiterate, I am glad it is an open rule. My opposition to the rule is not based on its openness, but on the fact that it was never considered, we have probably 75, 85 new Members who have never seen the bill. They say that we had the bill last year. That is not so. This is a completely different bill than we had before us.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I would like to elaborate on the points raised by my colleague, the gentleman from Massachusetts [Mr. MOAKLEY]. In an attempt to control the unwieldy process of considering legislation in the House, the rules package presented by the Republicans on opening day contained a provision which prohibits the joint referral of legislation.

This reform is well-intentioned, and may ultimately serve an extremely useful purpose as the House goes about its business of making laws. This change in House procedures may very well reduce or eliminate the endless arguments and delays occasioned by multiple committees staking claim to legislative provisions which may or may not be part of their assigned jurisdiction.

However, Mr. Speaker, in the case of H.R. 5, in the rush to banish the old order, the Contract With America has created a truly regrettable legislative situation. This particular bill, as was pointed out by my colleague, the gentleman from Massachusetts, was primarily referred to the Committee on Government Reform and Oversight, with sequential and partial referral to the Committees on Budget, Judiciary, and Rules.

Of their four committees, only the Committee on Rules held a hearing on this most complex proposal. The Committee on Government Reform and Oversight was not permitted to consider this matter in a full and open way. Many questions were left unanswered.

Mr. Speaker, when it was signed by the Republican candidates for Congress last fall, the Contract With America explicitly stated that the election could result in a House with a new majority that will transform the way Congress works. The Contract With America also states that its goal is to restore accountability to Congress, and that the reforms embodied in the package are aimed at restoring the faith and trust of the American people in their Government.

Mr. Speaker, these goals are laudable and are certainly shared by Democratic Members. However, I cannot see how ramrodding this proposal through the primary committee of original jurisdiction, the old Government Operations Committee, where hearings were not held and where amendments were not permitted to be offered, satisfies the conditions set out in the Republicans' Contract With America.

Mr. Speaker, the Committee on Rules is the committee of the House charged with the responsibility of overseeing the rules and procedures of this body. I find it quite troublesome that the committee has seen fit to ignore the longstanding tradition of allowing individual committees to debate and deliberate.

The gentleman from Massachusetts [Mr. MOAKLEY] so correctly pointed out that it is in the committees of the House that the real work of the people's business is done. Sadly, in the case of H.R. 5, which has enormous and far-reaching implications in the lives of all Americans, the committees of the House were not permitted to do their jobs.

In closing, Mr. Speaker, I would like to respectfully disagree with the argument made by my Republican colleagues that this bill would be considered under an open rule and therefore the process has not been subverted.

Mr. Speaker, I urge opposition to the rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would respond to the gentleman by saying we are in fact considering this under a wide-open rule so the American people can view the entire proceedings that are taking place here in the House. Six times last year, six times, the Committee on Government Operations moved legislation directly to the floor without a single hearing. We are doing this under a full and open amendment process as it was done in the committee.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], chairman of the Subcommittee on Legislative Process of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank the gentleman from greater Metropolitan San Dimas, CA [Mr. DREIER], who is the distinguished vice chairman of the Committee on Rules, for yielding me this time.

Mr. Speaker, I am very pleased to rise in support of this rule today, because this is the first rule that has actually been brought to the floor through what we would call the normal Committee on Rules process. Opening day is one process, and the only other legislation has been the suspension process.

Mr. Speaker, this is our first product, the first baby we are delivering. I am delighted that it is a wide open rule. It is a rule we are calling an open rule plus, because every Member is protected. I say that again. Every Member is protected. We have provided for an open debate and an open amendment process, and we have gone one step further and encouraged, encouraged, not required, not mandated, but encouraged Members to preprint their amendments.

□ 1120

The purpose of course for the voluntary process is to prompt Members to plan ahead, to develop their amendments fully. Other Members will have a chance to look at them and consider ideas from all our colleagues. It is called deliberative democracy for those who may not recognize it.

Having said, I want to take a moment to respond to criticism we heard Tuesday with regard to bringing the Congressional Compliance Act, better known as the Shays Act, to the floor under suspension of the rules. I notice there were some complaints about this. A few Members cried closed rule and some of the misguided media bought that argument.

As someone who has spent a good deal of time in the minority staring down the barrel of one closed rule after another in the 103d Congress, I would urge my colleagues to be careful about crying wolf on these matters.

If we look at the rules of the House, specifically rule XXVII which allows the Speaker to bring up bills under suspension, we will recall that this longstanding practice is meant to be used for bills that are noncontroversial. Given the 390-to-0 result of Tuesday's vote on the Shays bill, I think everybody could agree that we were dealing with one of the most noncontroversial bills in recent memory.

Of course everybody knows bills under Suspension Calendar are not amendable but must endure the extra burden of a two-thirds vote. I think we understand that.

Finally, I would like to say that we on the majority side understand the role of our colleagues in the minority in the Committee on Rules in defending the rights of the minority and we respect it very much. I know they have an especially difficult chore today finding fault with this wide open rule like the one we have on unfunded mandates—I hope it is the precedent for the future—especially one that really goes out of its way to encourage all Members to participate in orderly and planned-ahead debate.

I was somewhat surprised and dismayed that the minority went ahead and opposed this rule in committee. Voting unanimously against it in fact. I hope that my friends on that side of the aisle will recognize that this is an open rule that completely protects their rights and that ensures an orderly and unfettered debate on an issue that we care about.

I think this is the way rules should be in circumstances like this and I think we are one-for-one on open rules in the Committee on Rules.

To my good friend, the distinguished ranking member who has properly said that this is legislation that will affect all America, I agree. It will be a great improvement for all Americans.

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from California [Mr. BEILENSON] who has been a very hardworking member of the Committee on Rules and probably has been the conscience of the Committee on Rules in many endeavors.

The SPEAKER pro tempore, (Mr. GUNDERSON). The gentleman from California is recognized for 8 minutes.

Mr. BEILENSON. I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I rise in opposition to the rule for the same kinds of reasons that the gentleman from Massachusetts [Mr. MOAKLEY] set out so well just a few minutes ago. Not because there is anything terribly wrong or unfair about the rule itself. There is not. It is a fine rule. I want our friends on the other side of the aisle in the Committee on Rules to know that we believe and we agree with them that it is a fine rule.

Mr. DREIER. Would the gentleman yield on that point?

Mr. BEILENSON. No, I will not.

Mr. DREIER. I just wanted to ask why my friend voted against it if it is such a fine rule.

Mr. BEILENSON. I will explain in a moment if I am given the opportunity why I voted against the rule.

Mr. Speaker, there is nothing, as I just said, terribly wrong or unfair about the rule. That is not why we are opposed to it. But there is something terribly wrong about the way that this legislation is being brought before us here on the floor of the House of Representatives.

Mr. Speaker, we all recognize that unfunded Federal mandates have become a very serious concern to State and local governments as well as to the private sector. We are all eager to respond to that concern. But the bill that this rule makes in order is not the kind of reasonable, sound, well-thought-out response that our State and local partners or for that matter all Americans deserve. I therefore join with the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Texas [Mr. FROST] in urging that our colleagues vote no on the rule so that the bill will be returned to the committees of jurisdiction where it can be reviewed and reconsidered before it is brought to the floor for our consideration.

Our colleagues on the other side of the aisle have made much of the fact that they have produced an open rule for considering H.R. 5. They say that all of the issues we are concerned about in the bill can be raised through the amending process on the floor. That may sound fair and reasonable, but the fact is that the floor is not the appropriate place to write a bill. It is not the appropriate place to hammer out important legislative details. By the time a bill reaches the floor, we ought to be at a point where the matters to be decided by the entire membership of the House have been narrowed to a relatively few major issues which for whatever reason did not get satisfactorily resolved in committee. Otherwise, why have a committee system?

If we value our committee system at all, if we agree that the proper way for a legislative body of 435 Members to process complex, difficult legislation of the sort that this rule makes in order is to use our committees to do the hard and serious work involved in legislating, listening to a broad range of witnesses, delving into the details of a bill, debating alternatives and working out solutions that satisfy a majority of the Members who have some expertise in the subject matter, then we all should be seriously troubled if not outraged over the manner in which this bill is being moved through the legislative process.

H.R. 5 was, as Members have now heard, referred to four House committees. Only two of those committees

acted on the bill despite the fact that the legislation has important implications for matters under the jurisdiction of those that did not meet to consider it.

Of the two committees that acted on the bill, Government Reform and Oversight and Rules, only the Committee on Rules held a hearing and our hearing was brief. We heard from only three public witnesses.

What happened in the case of the Committee on Government Reform and Oversight is particularly egregious. Although Government Reform is the committee which has principal jurisdiction over the bill, not one hearing was held on it there. Groups and individuals that will be affected by this legislation had no opportunity to make their views known before the committee acted. The committee marked up the bill just 6 days after the bill had been introduced which limited the opportunity even of members of the committee to adequately review the bill, receive comments, develop alternatives and amendments. Proponents of the legislation have rationalized the shortcoming of the legislative process by saying that the Committee on Government Operations held a number of hearings on unfunded mandate legislation in the last Congress. But the bill the committee considered last year was significantly different from the one introduced and before us this year.

Furthermore, 31 out of 51, well over half of the members of the committee itself, did not serve on Committee on Government Operations last year, in the last Congress. For them, the hastily scheduled markup on a freshly introduced bill was their initiation to this complex major issue of unfunded mandates. Had our committees had more time to work with this bill, we might have had some of the answers that we ought to have before we move forward with the bill.

For example, does this bill prohibit consideration of reauthorization of laws that contain unfunded mandates currently in effect? It is apparently the intent of the sponsors to exclude existing mandates but it is not clear whether a minor change in a law would disqualify a reauthorization from being considered as such.

Which Federal activities are included in those which are to be prohibited under our rules? And which are exempted? The bill is not clear on that point.

Will this bill give public sector enterprises such as power generators and waste treatment facilities a competitive advantage over private sector counterparts and will that deter efforts to privatize existing governments activities that might be better handled and more efficiently handled by the private sector?

This bill provides a way for us to vote to waive the rule against legislation containing an unfunded mandate before a ruling is made on whether in fact it contains an unfunded mandate. How are we to decide whether to waive that rule when we do not even know if the legislation in fact contains an unfunded mandate or exactly how much that unfundedness is?

The list goes on and on. This is very problematic legislation and questions about the way it will work and the impact it will have will spill out over the next several days as Members will see as we consider amendment after amendment to this bill. The price we will pay for not having done a responsible job in this legislation in our committees, not having laid the groundwork there, will be protracted debate and an immense amount of confusion over the bill on the floor of the House of Representatives. Anyone watching these proceedings will surely question whether we have any clue at all as to what we are doing with this bill.

Mr. Speaker, we are well aware that the reason for the speedy consideration of the legislation is to enable our Republican friends to fulfill their Contract With America by getting all the bills listed in that document to the floor within 100 days. But as one of the witnesses at the Committee on Rules hearing said,

> It is ironic that a bill supposedly intended to assure that the impacts of congressional actions are fully understood should be moved forward so hastily that no time or opportunity exists for understanding or evaluating its own impacts.

Mr. Speaker, this process is troubling in the extreme. In fact, it is a disgrace. It is also an affront to the American people who have every right to expect us to proceed with care and thoughtfulness when we write major pieces of legislation.

Mr. Speaker, I truly believe the American people will forgive our Republican friends a little slippage in the timetable for acting on the Contract if the end result is better written, more fully understood legislation.

Let us take what we all know is the right and responsible course of action here. Let us send this bill back to the four committees of jurisdiction for hearings and proper consideration which could be done over just the next couple of weeks and then when we bring it up on the House floor we will have both a much better product and a much better idea of what we are voting on.

I urge my colleagues to vote ''no'' on the rule.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, we have an extraordinarily impressive cadre of new members of the Committee on Rules. I yield 2½ minutes to one of them, the gentleman from Tucker, GA [Mr. LINDER].

Mr. LINDER. I thank the gentleman for yielding me the time.

Mr. Speaker, while it is tempting to debate the contents of the unfunded mandate bill at this time, this debate is actually on the rule.

The debate we begin this morning shows that the new majority continues to keep its promises that we made to the American people. Two weeks ago we opened up the House and today we begin with free and open debate on H.R. 5, the Unfunded Mandate Reform Act and the rule attendant thereto.

As a member of the Committee on Rules, I want to comment on two specific aspects of this bill affected by the committee.

First I am pleased that every Member of the House has the opportunity to vote on a rule that we did not see very much of in recent years, an entirely open rule. During the past 2 years it was extremely rare for us to encounter many rules which allowed the House to engage in free and open debate. In fact it was not until May 1993 that we saw our first open rule in the 103d Congress.

Second, while the Congress has recognized the fiscal crisis that our State and local governments face in their attempts to absorb the costs of Federal mandates, Congress has been unable to find the will to curb its addiction to imposing these costly regulations. As a result, title III of this bill institutes new House enforcement procedures to terminate the casual practice of passing these unfunded mandates.

First, any bill reported by a committee containing intergovernmental or private sector mandates is subject to a point of order on the House floor unless the committee has published a CBO estimate. This is a straightforward, fiscally responsible reform. If a Member is not willing to find out how much a bill costs, then the bill cannot be considered.

Second, any bill, joint resolution, amendment or conference report which imposes mandates over $50 million on State and local governments is subject to a point of order on the House floor, unless the mandate is funded. This new rule plainly states that legislation exceeding the declared threshold and not paid for will not be considered.

And third, any rule waiving the point of order is also subject to a point of order. This special obstacle assures that the Rules Committee will not merely suspend the thoughtful deliberation and accountability that the bill is designed to enforce.

I am certain that federalism in America was not intended to mean that our Governors and State and local officials were elected simply to serve as administrators of expensive Federal programs. This legislation allows the Congress to move away from coercive federalism and permits the States to focus on State and local priorities. I strongly support the passage of H.R. 5

and I welcome the free and open debate.

Let me add that the Democrats arguing about the lack of a hearing are being disingenuous at best considering that in the last Congress, the Government Operations Committee never held a hearing or a markup on three bills that were brought to the House floor: H.R. 1578—Expedited Recission Act; H.R. 4907—Full Budget Disclosure Act, and House Concurrent Resolution 301—sense of Congress on entitlements.

I strongly urge my colleagues to support this open rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HALL]. I referred to the gentleman from California, [Mr. BEILENSON], as the conscience, and I refer to the gentleman from Ohio as the heart and stomach when it comes to dealing with nutrition problems as it affects young people, and I am sure this is part of the reason that the gentleman is opposed to this rule.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Massachusetts, [Mr. MOAKLEY], for his very kind words. I am very glad that we have an open rule here today. It is not the most straightforward open rule that one could have, but the rule does have a provision, as Members have heard, for according priority recognition for Members who have preprinted their amendments in the CONGRESSIONAL RECORD. In my opinion, and in the opinion of others, this is unnecessary to the rule and should not have been included.

I am also concerned over the way in which the bill is being brought to the floor. It is a major piece of legislation, and just fundamentally changes the procedures for handling future legislation. Yet it is being rammed through with no hearings and no opportunity from the committee that has jurisdiction, the committee, unlike the Rules Committee that in fact studies it and understands these kinds of things every day, for a positive input, much less explanation.

There are also major substantive problems with the direction of the bill, and while I know States and local communities are having a tough time, and for that reason there is a lot of good in this bill, I am concerned that not all of the provisions have been thought through.

I am particularly concerned about the impact of this bill on nutrition and poverty programs serving low-income people. When we considered this bill in the Rules Committee I repeatedly asked its authors if food and other services to the poor would be reduced, and I really could not get a good answer on it.

Therefore, Mr. Speaker, I will be offering an amendment to protect the very-low-income programs that were exempt from sequestration under the Gramm-Rudman Act of 1985, that we all agreed we thought was a good idea to exempt those. These are Child Nutrition, Food Stamps, Aid to Families with Dependent Children, Medicaid and Supplemental Security Insurance.

If changes are made in the programs down the road my amendment will make sure States will not be able to cut services to the poor. It will also continue our longstanding Federal commitment to these food and poverty programs by including them as unfunded mandates in this bill.

This bill without the mandates, without the amendment that I hope to put in, will hurt poor people if it passes without this amendment.

I would urge my colleagues to take a careful look at this bill. It is one which changes procedures for legislation coming down the pike, and since the Government Reform and Oversight Committee held no hearings, every Member of this body needs to scrutinize this bill to see exactly what effects it really will have not only on the country but on their districts.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes the gentlewoman from Columbus, OH [Ms. PRYCE], another able new member of the committee.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this wide-open rule for the consideration of the Unfunded Mandate Reform Act.

An open rule for a bill as significant as H.R. 5 is a welcome change around here. In recent years, the House has increasingly operated under restrictive procedures which have prevented Members on both sides of the aisle from offering legitimate amendments. As Chairman SOLOMON has eloquently stated before, 70 percent of the rules granted by the Rules Committee during the 103d Congress were restrictive. Under the new Republican majority, and Mr. SOLOMON's able leadership, we will work to restore free and open debate to this institution.

As the November elections showed us, the American people want real reform. They want to see honesty and accountability return to this legislative process. By adopting an open rule for H.R. 5, we send a clear message that deliberative democracy is about to wake up in America after a long, long sleep and that we welcome differing points of view.

The time has come for Congress to take financial responsibility for the laws and rules it passes. Our current system of mandating is nothing less than an abuse of power by big Government—the ultimate arrogance in Washington DC.

Governors and mayors across the Nation are pleading with Congress to stop passing the buck when it comes to passing new Federal mandates. H.R. 5 is a reasonable, long-overdue response to the plight of State and local dealers who are forced to pay for expensive, one-size-fits-all Federal solutions to what are most often local problems in search of local solutions.

Mr. Speaker, I applaud the leadership for making unfunded mandate relief a top legislative priority in the 104th Congress. I support this bipartisan legislation and urge the House to adopt this wide-open rule.

☐ 1140

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, the gentleman from Florida [Mr. DIAZ-BALART], another new member of the committee.

Mr. DIAZ-BALART. Mr. Speaker, I am very proud of my party today.

After 40 years in opposition, being closed out time and time again with regard to the ability, that most essential ability on behalf of one's constituents, to introduce amendments and to speak in behalf of those amendments on this floor, and despite, in addition to that, the very substantial legislative agenda that we have contracted with the American people that we will pass within the first 100 days and the necessary time constraints that come together with that agenda, despite that, we bring the first piece of legislation to the floor today with an open rule process, with an open rule.

Now, it is not easy always to enter into dialog with the American people with regard to procedure, because it seems sometimes too technical. But the heart of democracy, Mr. Speaker, is procedure, just like the heart of due process of law is procedure, and the procedure that is at the heart of the fairness with which we are bringing forth this first piece of legislation today to the floor is called the open rule, the ability for all Members of this House, despite whether they are in the minority or majority, to bring forth whatever amendments they have on behalf of their constituents that they would like to be considered by their colleagues.

So I am proud of my party. I am proud of the fact that despite the fact that we do not have to, because we are in the majority, we, nevertheless, are giving the opposition the fairness that they denied us.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado Springs, CO [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, the game works like this: Congress comes up with an idea which is supposed to help people, but Congress is broke, and so Congress passes a bill anyway and sends it off to the States and falls all over itself claiming credit for a job well done.

Meanwhile, State and local governments which had little or no input into the issue find this new law waiting on their doorstep delivered c.o.d. For them, the real work just began, deciphering the new rules and figuring out how to pay for them.

I served in the Colorado State Legislature, and I know the frustration felt by local and State officials.

Unfortunately for our Federal system, that frustration is growing. According to CBO, Federal regulations enacted between 1983 and 1990 cost State and local governments over $12 billion.

In the last Congress we considered at least 60 bills which contained some form of mandate. In my State of Colorado, a recent survey identified 195 Federal programs containing mandates for State and local governments.

These mandates consumed 12 percent of the total State budget. You know, I would encourage support for this rule. I cannot believe the arguments against an open rule.

Support it.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I would like to address a question to the gentleman from California [Mr. DREIER].

We are talking about the openness of the rule.

The gentleman was talking about the openness of the rule. Everybody says wide openness.

Do we have a guarantee that debate will not be shut off on any amendments?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Our plan here is to do something that often has not been done over the past several years. We plan to follow the rules of the House.

Mr. MOAKLEY. Which ones?

Mr. DREIER. We plan to follow all of the rules of the House. In so doing, we will go through the normal procedure of the 5-minute rule which is the way the open amendment process is handled.

Mr. MOAKLEY. Could the gentleman answer the question? I know he is going to follow all the rules. But will debate be shut off on any of the amendments?

Mr. DREIER. In response, if the gentleman would yield further, I would respond by simply saying we plan to comply with the rules of the House which do, in fact, allow for motions which can, in fact, bring an end to debate. That, as the gentleman knows, is a rule of the House, and so based on that, we plan to comply with the standing rules of the House which will be an unusual, near precedential development here.

Mr. MOAKLEY. Does the gentleman plan to use that rule of the House to cut off debate?

Mr. DREIER. If the gentleman would yield further, I have no plan whatsoever to cut off debate. I plan to follow the debate; if there are attempts made by Members on either side to simply be dilatory, to prevent the American people to be able to see their Representatives move through legislation which will address the issue of unfunded mandates, I would not be surprised if a motion like that would be offered.

Mr. MOAKLEY. Well, the gentleman can rest assured I have no intent of being dilatory.

Mr. DREIER. Well, we probably will not have any motion like that that would cut off debate.

Mr. MOAKLEY. Yes. But the problem is the lack of committee consideration. It was not the way the rule was handled. It was the way it came to the Committee on Rules where we had to amend the bill that came, because it had a duplication of sections. It came from the Government Ops Committee, so it just showed that it was not really gone over as extensively as it should have been at that time.

Can I ask, do you have any unfunded mandates in the Contract With America?

Mr. DREIER. If the gentleman would yield further, I suspect that, well, and I know that under this legislation, when this legislation is signed, anytime there is a possible unfunded mandate that would come forward under the Contract With America or any other legislation, we, in fact, in this institution will be accountable and will have to find that out. That determination has not yet been made.

It is quite possible. I do not believe that there are any unfunded mandates in the Contract With America, but if there are, the House will make that decision, and we will have a vote on it, if we can successfully move forward, report out this rule, and pass the legislation.

Mr. MOAKLEY. The gentleman is aware that this bill does not take effect until October 1995 and, therefore, your Contract With America will already be past in those 100 days.

Mr. DREIER. If the gentleman would yield, I would say, based on my very detailed analysis of the Contract With America, I concluded that I do not think there are any unfunded mandates in there.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would be glad to read you the 10 points of the contract. It is so exciting to even read them.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Glenwood Springs, CO [Mr. MCINNIS], another hard-working new member of the Committee on Rules.

Mr. MCINNIS. Mr. Speaker, I do appreciate the time that was yielded to me by my friend, the gentleman from California.

I used to be the majority leader in the Colorado State Legislature, and in that position, we always enjoyed the opportunity to have both Democrats and Republicans amend bills, as we continued to have debate on them on the House floor.

When I first came to the U.S. Congress, I was stunned to see that through the Committee on Rules many people, such as myself who were elected to represent States in this country, were prohibited from having debate or prohibited from having amendments on the House floor. Well, times they are a-changing. Now the first contract item that comes onto the House floor is going to come on with an open rule.

This issue, unfunded mandates, will certainly have many different types of amendments from Republicans and Democrats, but the issue here that the American people should recognize is that times have changed, and for the first time in a long time, we will have an open debate and a recorded vote for the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO], the former chairman of the Committee on the Budget.

□ 1150

Mr. SABO. Mr. Speaker, and Members, I rise in opposition to this rule. This year for the first time the Budget Committee was given legislative jurisdiction over legislation coming before the House. This bill was the first bill for which this committee received referral. The committee held no hearings, made no judgment, no examination of this legislation, despite the fact that much of what is in this bill has very direct impact on the budget and the Budget Committee.

There are expanded duties for the Director of the Congressional Budget Office. Whether the resources in this bill are sufficient for that office to do its duties we do not know. There are new and additional responsibilities for the Committee on the Budget to make estimates of the costs of mandates, a substantial new and different responsibility.

Again, the committee has had no hearings, no discussions on how we are going to handle that process.

The bill also makes reference to what the budget can or cannot do. What those references mean is not very clear from what the bill says. It indicates, and this goes far beyond the question of mandates, where I understand the bill says, in Minnesota, if we dumped our sewage on the Iowa border, that is not of national concern unless the Federal Government pays for it—I have a tough time understanding that. But the bill goes far beyond that. It, for instance, exempts Social Security. Does that mean Social Security retirement, Social Security disability, other portions of the Social Security Act? It has very specific language on changes in entitlements, and I know it does not apply until October 1.

Mr. Speaker, there are major questions as this bill relates to our budget process that were not heard.

Mr. MOAKLEY. Mr. Speaker, would the chair bring us up to date as to the time remaining?

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Massachusetts [Mr. MOAKLEY] has 4 minutes remaining, and the gentleman from California [Mr. DREIER] has 12 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Economic and Educational Opportunities, the gentleman from Jacobus, PA, [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, please listen carefully because I have something very relevant to say. I want to make sure that we understand that H.R. 5 has no, I repeat, no effect on two important disability laws, the Individuals with Disabilities Education Act, [IDEA] and the Americans with Disabilities Act [ADA]. It has no effect whatsoever on both of those. As the CRS law division has confirmed, IDEA and ADA are exempted from coverage under this bill. And if you will read the Dear Colleague I sent out to you, you will discover the exact language, which, as a matter of fact, exempts both of those very, very important pieces of legislation from the act.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to a hard working Member, the gentlewoman from Bethesda, MD [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. I thank the gentleman for yielding.

Mr. Speaker, I join many of my colleagues today in expressing the need to address the issue of unfunded Federal mandates for State and local government. Every Member of this House, I believe, shares the view that State and local governments have been asked to assume an overwhelming burden of Federal mandates in recent years.

I do want to comment on some concerns I had. First of all, I am pleased that the Committee on Rules adopted an amendment similar to the one I offered in committee, clarifying that reauthorization of current bills will not be subject to the point of order as long as the aggregate costs to State and local governments are lower than they were in previous authorizations.

I think it is imperative we protect our current environmental, health, and other laws.

I want to point out, Mr. Speaker, that I am concerned with potential litigation resulting from the House version which has the judicial review provisions. I want to point out that I hope that CBO will provide its mandate cost estimates in a timely fashion and that its estimates will be accompanied by explanation of its methods.

I also want to point out that I believe it is imperative that environmental standards apply to both the public and private sectors. Uniform standards, I think, are critically important. I have said I will work with Mr. CLINGER and members of the committee to do that, and I support this rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to another hard-working member of the Committee on Rules, the gentlewoman from Salt Lake City, UT [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. I thank the gentleman for yielding this time to me.

Mr. Speaker, as a new Member of this body and as a new member of the Committee on Rules, I am proud to rise in support of this wide-open rule for the consideration of this critical bill.

This rule shows our commitment to the principle that ideas and debate should not be smothered—should not be denied consideration or a fair hearing—and in this Congress, free speech will not be denied its Members.

Mr. Speaker, I rise to strongly support the underlying legislation for this bill. For too long this body has been able to substitute its judgment and priorities for the judgment and priorities of State Governors, legislatures, mayors, city councils, and county officials. The priorities of this body have too often not reflected the priorities of the people who sent us here.

Now, there has been a concern raised about the impact of this bill on poverty programs; programs for people in need. Let me tell you about what the lack of this bill has already done in my home State of Utah.

A few years ago the State of Utah had a surplus in its budget of over $25 million—money that we had decided to set aside for programs for the vulnerable elderly, for children, for education, to help people in need in our State. Yet before we could implement those plans, we were notified by the Federal Government that this body had decided to broaden the benefits it provided, without paying for them. And that $22 million had to be set aside by the State of Utah to meet the priorities of this body.

It is time that that practice stop, and this bill will raise the procedural barriers necessary to keep this body from substituting its judgment for the judgment of the people at home.

I urge my colleagues to support this rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Bellvue, WA, a hard-working new member of the Committee on Ways and Means, Ms. DUNN.

Ms. DUNN of Washington. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of this wide-open rule because, Mr. Speaker, there is not any portion of the Constitution that represents the commonsense approach that our new majority was elected to pursue more than the federalism of Article 10 of the Bill of Rights.

Article 10 reads as follows: ''The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.''

H.R. 5 will restore the spirit of this amendment by restricting unfunded mandates and returning the decision-making power back to the local level so that they may determine which programs should be priorities for their communities.

Mr. Speaker, there has been no greater violation of the spirit of the 10th amendment than through the process of imposing unfunded Federal mandates on our States or local communities.

In my home State of Washington, towns with small budgets work hard just to keep their noses above water as they struggle to comply with the dictates handed down by overzealous lawmakers in Washington, DC.

For example, the mayor of Snoqualmie, a small town in my district, told me the city would be bankrupt if they are forced to comply with the Federal mandates included in the Safe Drinking Water Act.

Additionally, they will have to increase local water bills by 200 to 300 percent.

Mr. Speaker, the town of Carbonado, population 540, must find $800,000 to comply with this same legislation.

When will this kind of absurdity end? The American people have said the time is now. Let us pass this rule, debate this bill, and end the arrogance of Congress passing laws and then passing the tab on to the backs of State and local governments and eventually, of course, on to the people.

If the Federal Government cannot pay for it, we should not force the costs on to the States. That is just common sense.

□ 1200

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BECERRA].

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, in this debate one point bears repeating. What we are really doing here is signing on the dotted line before reading the actual terms and conditions of the document. We are being told to do something in this House that no prudent family would do in its own home. The majority party is insisting that we race through this legislation, but, in doing so, the institution is closing its eyes to the many pitfalls and unanswered questions in this bill.

I ask, ''Who doesn't agree with the general idea that sparing State and local governments from costly, unreasonable mandates is the thing to do?'' We all agree, but the problem here is that this bill before us is filled with all sorts of unintended consequences.

Before we make final decisions, we ought to know in detail what this bill really means to America's people and its communities. Are we placing consumer protections in jeopardy?

What about measures that have safeguarded our environment, the Clean Water Act, our child protection laws, our laws protecting senior citizens against age discrimination? What will happen to these laws?

Before we get any work done on this bill, we should ask ourselves, Do we really know what it's all about?

I urge a ''no'' vote on this rule.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Pasco, WA [Mr. HASTINGS], another thoughtful new Member of the Congress.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of this rule and this legislation.

Former Senator John Sharp Williams, an admirer of Thomas Jefferson, once noted that, quote, my reading of history convinces me that most bad government has grown out of too much government, end quote. That is exactly the problem that we are attempting to correct with this legislation.

When I first began working in my family business years ago, the onslaught of Federal regulations on our local communities had just begun. Later, as a Washington State legislator, I saw firsthand how destructive these Federal mandates could be. Today the Federal Government has used this mandate loophole to radically expand the scope of Federal intrusion in the lives of all our Americans. Let me give my colleagues a couple of examples.

Federal regulations are forcing one county in my State to spend $142,000 to convert their traffic signs to the metric system. Never mind that nobody wants it. Never mind that those dollars could go to schools, or infrastructure. It is just an extra cost.

Mr. Speaker, I support this rule and this legislation.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Mariposa, CA [Mr. RADANOVICH], another of our new Members.

Mr. RADANOVICH. Mr. Speaker, when I first began public service as a member of a country planning commission, I carried into office what turned out to be a naive notion. I thought that our community's elected officials were free to do what they best believed served the citizenry. In some respects that was and is the case. However, what I failed to factor in was Uncle Sam's ability to determine what was best and to make us pay for it, like it or not. Imposing obligations on local government from distant beltway bureaucracies, but without Federal dollars to pay for them, is wrong, and H.R. 5 will right that.

Today we are considering a reform of the federal system itself and return to the relationship between the Federal Government and various State and local government agencies that reflects a partnership in the activity of governing. A relief from additional Federal mandates on State and local governments will take a long stride toward correcting the imbalance of this relationship. It becomes again our opportunity to continue the reform begun when this 104th Congress convened. Our opening day showed the way as we changed rule after rule improving the way the House does business. Now, by lifting the burden of unfunded mandates, we are changing the business that Congress does.

The Contract With America continues to be performed as we keep faith with the 10th amendment in the Constitution's Bill of Rights, reserving to the States and the people of all those public powers except those delegated to the Federal Government.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I wish I had more time because this is a very important subject, but I realize that we are the majority now.

Mr. Speaker, I wish I could bargain with the gentleman from California [Mr. DREIER] all the time. I say to the gentleman, ''Thank you very much. I appreciate it.''

Mr. Speaker, for too long our Congress is going on spending sprees at States' and local governments' expense, and this House has for years mandated project after project with little or no concern about who will foot the bill, and today we are finally coming to a recognition of that and doing something about it, and that is why this portion of the Contract With America is so important.

My good friend, the gentleman from California [Mr. DREIER], in yielding me the time had mentioned my hometown, Appleton, WI. I just want to point out that the U.S. Conference of Mayors has estimated what the impact has been of only 10 unfunded mandates on that community, on my community. It is over a million dollars a year to comply with just 10 of the mandates that Congress has passed. But do my colleagues realize that these bills are getting bigger and bigger every day?

Mr. Speaker, since 1990, 5 years ago, 4 years ago, Congress has enacted over 40 major statutes that impose new regulations and requirements on States, and Congress has passed more mandates in the last 5 years than in the previous two decades combined, and again I want to underline, Mr. Speaker and Members, that this is why this legislation is so essential in the Contract With America and for all of the Americans. It is time the Members of Congress become aware of the financial burdens that Federal legislation places on State and local governments. Every day American businesses, and households, and cities like Appleton, have to consider the impact their actions have on their own bottom lines. States and local governments must do so as well.

Mr. Speaker, that is why I ask everyone here to vote for this rule and also to vote on the bill.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Cincinnati, OH [Mr. PORTMAN], a very hard-working Member who was one of the many progenitors of this legislation.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me, and I want to congratulate him, and also the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for this open rule. I think it is a great step forward. It is going to lead to a very interesting debate over the next few days. We will have plenty discussion on all the issues, and I look forward to it. I think the Committee on Rules also provided a good service to this country by refining some of the aspects of this legislation in its good hearing on the matter. A lot of the issues were debated, of course, extensively at that hearing.

I say to my colleagues, Let me just read you one letter I got a couple of weeks ago from Mark Schockman, a fire chief in my district. He wrote to tell me:

> Unfunded mandates are having strong impacts on our ability to provide emergency services to our customers and to your constituents, Congressman.

Well, unfortunately for my constituents, that is exactly what is going on. Mandates result in cuts in vital services, fire services, police services, and so on. They also result in increased taxes. These are property taxes, these are sales taxes, these are State income taxes. In a way it is taxation without representation. It is a critical issue. It is a crisis. We have got to have a new kind of federalism.

Again I applaud the Committee on Rules for having this open rule. I look forward to an open debate.

Mr. MOAKLEY. Mr. Speaker, I yield our remaining time to the gentlewoman from Illinois [Mrs. COLLINS] to close debate.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentlewoman from Illinois [Mr. COLLINS] is recognized for 4 minutes.

□ 1210

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, as ranking member of the Committee on Government Reform and Oversight, I strongly oppose this rule because the legislative process under which H.R. 5 is being brought to the floor today has prevented our committee from having an adequate opportunity to meaningfully review the bill before it reached this point.

The concerns of the minority are discussed in our minority views in the committee's report on H.R. 5, and in general they all stem from one simple fact. The majority leadership is evidently attempting to railroad this bill through the House before there is

enough time to carefully review its contents.

First, the committee held no hearings. Those cited in the committee report were held in the 103d Congress and can in no way substitute for hearings in this Congress. The bill that the Committee on Government Reform and Oversight considered last week is considerably different from the one that the Committee on Government Operations reported out by a 35-to-4 bipartisan vote in the previous Congress. More importantly, we have many new members on our committee who had no opportunity to attend those hearings. In fact, 31 of the 51 current members did not even serve on the committee in the 103d Congress and, therefore, have no institutional knowledge of the legislative process through which that bill have traveled.

Second, the lightning speed of the consideration of H.R. 5 did not give our members adequate time to review the legislation. The printed copy of the bill that went to our members was not available until Friday, January 6. In short, our members had a weekend to read the bill and to prepare amendments.

Third, since our Committee on Government Reform and Oversight was designated the lead committee, I find it incomprehensible that we should have been given no opportunity to consider amendments to the heart of the bill, which is title III, dealing with congressional procedures in handling mandates. Instead, the only matters of consequence we were allowed to consider were the title I mandates study commission and the exclusions to the bill contained in section 4.

My fourth concern relates to the manner in which minority members were treated at the markup. In one case the previous question was ordered on an amendment by the minority that had not even been ready yet and the point of order was rejected.

In another case an amendment in the nature of a substitute was ruled out of order because we were told that only one amendment in the nature of a substitute could be offered to section 1 even if the previous amendment had been defeated.

Finally, there was a particularly troublesome breach of our rules when at the beginning of our markup the chairman recognized a member of the majority who is not a member of our committee to give a statement on the bill. This converted the markup to a hearing. However, we received no notice of the hearing and were granted no opportunity to ask questions under the 5-minute rule or to select minority witnesses.

Mr. Speaker, an open rule is only one element in guaranteeing an open and thoughtful debate on legislation. We have already seen in our committee how such procedures as calling the previous question have been used to preclude open and full debate.

Mr. Speaker, I, therefore, oppose this rule, and I urge my colleagues to do the same.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 1 minute remaining.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Rockwell, TX [Mr. HALL].

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise today in support of the rule for consideration of H.R. 5, the Unfunded Mandate Reform Act of 1995. This will be one of the most important issues to be deliberated in this historic, reform-minded Congress, and it is imperative that we entertain all views and hear all arguments before we cast our votes. I am satisfied that this rule will permit adequate debate and discussion of this legislation.

For too many years the Federal Government has been mandating policies to State and local governments and to the private sector without regard for the cost or the burdens of compliance. H.R. 5 will change that policy. No longer will we be able to pass laws without adequately funding their implementation. In addition, when Members of Congress know the financial and bureaucratic impact of a particular piece of legislation, hopefully we will be able to craft a more responsible and cost-effective approach to a particular problem.

This legislation will help make the Federal Government more accountable to those we serve. Issues that affect the health and safety of all Americans will continue to receive top priority by the Federal Government. Other programs that might affect one area or group more than another should be voluntary, with Federal assistance awarded proportionately, if available and if needed.

The time has come to get government off the backs of State and local governments and off the backs of the private sector. It is time for Congress to stop passing laws without knowing the consequences of our actions. H.R. 5 will help achieve these goals, and I welcome an open discussion of these issues.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since the early 1980's the American people have been crying out for some sort of relief. Washington has been imposing on State and local governments and the private sector requirements that they comply with all kinds of constraints and requirements, and yet we do not provide the wherewithal for them to meet those requirements. It is absolutely ridiculous for us to continue passing those on.

This legislation has been studied for years and years and years. We have been trying to bring it up. It has been done under an open process in the committee, an open amendment process in the Rules Committee, and here on the House floor. We planned, when we reported this rule, to have the first measure, the Contract With America, be on the opening day considered under a wide-open rule.

Mr. Speaker, I urge my colleagues to vote in support of openness and in support of accountability. I ask my colleagues to vote for this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 71, not voting 13, as follows:

[Roll No 21]

YEAS—350

Ackerman	Crane	Gutknecht
Allard	Crapo	Hall (TX)
Andrews	Cremeans	Hamilton
Archer	Cubin	Hancock
Armey	Cunningham	Hansen
Baesler	Danner	Harman
Baker (CA)	Davis	Hastert
Baker (LA)	de la Garza	Hastings (WA)
Ballenger	Deal	Hayes
Barcia	DeLauro	Hayworth
Barr	DeLay	Hefley
Barrett (NE)	Dellums	Hefner
Barrett (WI)	Deutsch	Heineman
Bartlett	Diaz-Balart	Herger
Barton	Dickey	Hilleary
Bass	Dicks	Hobson
Bateman	Doggett	Hoekstra
Bentsen	Dooley	Hoke
Bereuter	Doolittle	Holden
Berman	Dornan	Horn
Bevill	Doyle	Hostettler
Bilbray	Dreier	Houghton
Bilirakis	Duncan	Hoyer
Bishop	Dunn	Hunter
Bliley	Edwards	Hutchinson
Blute	Ehlers	Hyde
Boehlert	Ehrlich	Inglis
Boehner	Emerson	Istook
Bonilla	Engel	Jackson-Lee
Bono	English	Jacobs
Boucher	Ensign	Jefferson
Brewster	Eshoo	Johnson (CT)
Browder	Everett	Johnson, E.B.
Brown (OH)	Ewing	Johnson, Sam
Brownback	Fawell	Johnston
Bryant (TN)	Fields (LA)	Jones
Bryant (TX)	Fields (TX)	Kaptur
Bunn	Flanagan	Kasich
Bunning	Foley	Kelly
Burr	Forbes	Kennedy (MA)
Burton	Ford	Kennedy (RI)
Buyer	Fowler	Kennelly
Callahan	Fox	Kildee
Calvert	Franks (CT)	Kim
Camp	Franks (NJ)	King
Canady	Frelinghuysen	Kingston
Castle	Frisa	Kleczka
Chabot	Funderburk	Klug
Chambliss	Gallegly	Knollenberg
Chenoweth	Ganske	Kolbe
Christensen	Gekas	LaHood
Chrysler	Gephardt	Lantos
Clayton	Geren	Largent
Clement	Gibbons	Latham
Clinger	Gilchrest	LaTourette
Clyburn	Gillmor	Laughlin
Coble	Gilman	Lazio
Coburn	Gonzalez	Leach
Collins (GA)	Goodlatte	Levin
Combest	Goodling	Lewis (CA)
Condit	Gordon	Lewis (KY)
Conyers	Goss	Lightfoot
Cooley	Graham	Linder
Costello	Green	Lipinski
Cox	Greenwood	Livingston
Cramer	Gunderson	LoBiondo

Lofgren	Payne (VA)	Souder
Longley	Peterson (FL)	Spence
Lucas	Peterson (MN)	Spratt
Luther	Petri	Stearns
Manton	Pickett	Stenholm
Manzullo	Pombo	Stockman
Martinez	Pomeroy	Studds
Martini	Porter	Stump
Mascara	Portman	Stupak
Matsui	Poshard	Talent
McCarthy	Pryce	Tanner
McCollum	Quillen	Tate
McCrery	Quinn	Tauzin
McDade	Radanovich	Taylor (MS)
McHale	Rahall	Taylor (NC)
McHugh	Ramstad	Tejeda
McInnis	Reed	Thomas
McIntosh	Regula	Thompson
McKeon	Richardson	Thornberry
Menendez	Riggs	Thornton
Metcalf	Rivers	Tiahrt
Meyers	Roberts	Torkildsen
Mica	Roemer	Torres
Miller (CA)	Rogers	Towns
Miller (FL)	Rohrabacher	Traficant
Minge	Roth	Tucker
Molinari	Roukema	Upton
Mollohan	Royce	Visclosky
Montgomery	Salmon	Volkmer
Moorhead	Sanford	Vucanovich
Moran	Sawyer	Waldholtz
Morella	Saxton	Walker
Murtha	Scarborough	Walsh
Myers	Schiff	Wamp
Myrick	Schroeder	Ward
Nadler	Schumer	Watts (OK)
Neal	Seastrand	Weldon (FL)
Nethercutt	Sensenbrenner	Weldon (PA)
Neumann	Shadegg	Weller
Ney	Shaw	White
Norwood	Shays	Whitfield
Nussle	Shuster	Wicker
Obey	Sisisky	Wilson
Ortiz	Skaggs	Wise
Orton	Skeen	Wolf
Oxley	Skelton	Wynn
Packard	Smith (MI)	Young (AK)
Pallone	Smith (NJ)	Young (FL)
Parker	Smith (TX)	Zeliff
Pastor	Smith (WA)	Zimmer
Paxon	Solomon	

NAYS—71

Abercrombie	Frank (MA)	Moakley
Baldacci	Frost	Oberstar
Becerra	Furse	Olver
Beilenson	Gejdenson	Owens
Bonior	Gutierrez	Payne (NJ)
Borski	Hall (OH)	Rangel
Brown (CA)	Hastings (FL)	Roybal-Allard
Brown (FL)	Hilliard	Rush
Cardin	Hinchey	Sabo
Clay	Johnson (SD)	Sanders
Coleman	Kanjorski	Scott
Collins (IL)	Klink	Serrano
Collins (MI)	LaFalce	Stark
Coyne	Lewis (GA)	Stokes
DeFazio	Lowey	Thurman
Dingell	Maloney	Torricelli
Dixon	Markey	Velazquez
Durbin	McDermott	Vento
Evans	McKinney	Waters
Farr	McNulty	Watt (NC)
Fattah	Meek	Williams
Fazio	Mfume	Woolsey
Filner	Mineta	Wyden
Foglietta	Mink	

NOT VOTING—13

Bachus	Pelosi	Slaughter
Chapman	Reynolds	Waxman
Flake	Ros-Lehtinen	Yates
Lincoln	Rose	
Meehan	Schaefer	

□ 1229

Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. CLYBURN, POMEROY, THOMPSON, and TORRES changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. KANJORSKI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman will state it.

Mr. KANJORSKI. Mr. Speaker, as I understand the new rule in clause 2(l)(2)(B) of rule XI, adopted on January 4 of this year as the new rules of the House, each committee report must accurately reflect all rollcall votes on amendments in committee; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, as a further parliamentary inquiry, the report accompanying H.R. 5, as reported from the Committee on Government Reform and Oversight, House Report 104–1, part 2, lists many rollcall votes on amendments. On amendment 6, the report states that the committee defeated the amendment by a rollcall vote of 14 yes and 22 no. However, the tally sheet shows 35 members voting ''aye'' and 1 member voting ''nay''.

Mr. Speaker, would a point of order under clause 2(l)(2)(B) of rule XI apply?

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, if that were the case, it is clear that this bill could not proceed under its present rule; is that correct?

The SPEAKER pro tempore. The gentleman is correct, if it is an error on behalf of the committee. If it is a printing error. That would be a technical problem which would not be sustained in the point of order.

Mr. KANJORSKI. Mr. Speaker, I am not going to insist or raise a point of order. However, I bring this to the attention of the Chair and to my colleagues on the other side. Some of the hesitancy to proceed as quickly as we are proceeding on this bill and others that are part of the Contract With America is the fear on the minority side that this haste may bring waste, that speed may bring poor legislation.

There are many elements of the unfunded mandate bill which I think the long-term ramifications and the possibilities of working havoc on the judicial system and the regulations and rules presently existing in the United States could cause our constituents difficulty.

I would urge that the majority, in consideration of the fact that we are not going to use this tactic to delay this debate, take into consideration that their rules must be applied on a day-to-day basis, because the majority is responsible for having passed this rule.

Mrs. COLLINS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman is absolutely right. The speed with which we have had to consider this legislation has, as the gentleman has pointed out, created a number of problems that are evidenced right there. It seems to me if we would just slow down, get deliberate and full review of what we are trying to do here, these kinds of mistakes that the gentleman has pointed out will not happen, and I certainly think that the gentleman is absolutely right in pointing that out so that all of us can be aware of it. I thank him for doing so.

Mr. KANJORSKI. I thank the ranking member.

Mr. Speaker, may I just address the other side for a moment and say that we had a series of amendments. Many of them are very, very important. There is the possibility, as we move into the amendment phase of this bill, that there is going to be a move for cloture or limitation of debate. I hope we can have an agreement that, based on the new concept of an open rule, that the majority will not impose time restrictions on reasonable debate on the amendments to be offered.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, let me reassure the gentleman from Pennsylvania that there is no intent to change the rule. The rule is a very open rule, and there is no intent at all to in any way proscribe or limit the ability of the minority to offer amendments.

I would point out to the gentleman from Pennsylvania that I am advised that indeed there is a printing error in the RECORD. The tally clearly shows what the vote was. There was a printing error in terms of identifying what that vote was. But this was a printing error and certainly in no way should be used to vitiate the procedure that we are undergoing right now.

Mr. KANJORSKI. I assume we can accept the chairman's word.

The SPEAKER pro tempore. The gentleman from Pennsylvania has been recognized for the purpose of a parliamentary inquiry. The gentleman may continue regarding the inquiry.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentlewoman from the State of New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, this was my amendment, and it is a printing record error. The Republicans voted against exempting the most vulnerable citizens in our society, children, that cannot vote, cannot speak for themselves in the unfunded mandates bill. But it is a printing error. They did not vote for it.

□ 1240

Mr. KANJORSKI. Mr. Speaker, just in closing I would like to say that I think this side, the minority, in fact, wants to cooperate with the majority side and have reasonable debate and discussion, so whatever the bill that finally comes out of the House of Representatives, we as Members of this

Congress can be proud of it in its entirety.

The SPEAKER pro tempore (Mr. GUNDERSON). The Chair appreciates the parliamentary inquiry. The Speaker appreciates the cooperation on behalf of the entire House.

Mrs. COLLINS of Illinois. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Speaker, I raise a parliamentary inquiry concerning consideration of the bill.

The SPEAKER pro tempore. Does the gentlewoman state a point of order or a parliamentary inquiry?

Mrs. COLLINS of Illinois. A parliamentary inquiry, Mr. Speaker.

Mr. Speaker, under clause 2(j)(1) of rule XI it states ''Whatever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon.''

Mr. Speaker, the Committee on Government Reform and Oversight is the committee of original jurisdiction on this bill. On January 10, the Committee on Government Reform and Oversight began its markup on H.R. 5.

Mr. DREIER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. There is a parliamentary inquiry before the House at the present time.

The Chair has asked the gentlewoman to suspend so we might have order and that the Chair will be able to hear the parliamentary inquiry.

Mrs. COLLINS of Illinois. After two opening statements, the chairman of the committee invited a member of the majority party who was not a member of the committee to testify before the committee. At the conclusion of his testimony, the witness thanked the chairman of the committee for holding the hearing.

Mr. Speaker, minority members of the committee protested in a timely fashion. No opportunity was given to Members on our side of the aisle to question the witness. Democrats requested that an additional formal hearing be conducted on this measure so that their witnesses could be called. That request was denied and the minority was told that the only procedure allowed would be to continue the full committee markup of the bill. Efforts on the part of the minority members to raise questions over possible violations of House rules were dismissed by the chairman.

Mr. Speaker, in my view, allowing a Member not on the committee to testify changed the meeting from a straight markup to a hearing.

It is true that in many committee markups the majority requests the presence of certain experts, usually administration officials or committee staff, to answer questions about the interpretation or effect of different proposals.

The Member's appearance before the committee, the Member who is not a member of the committee, was not like that. Questions were not put to him. He provided a statement and read his testimony in the way any witness testifies at any hearing.

Mr. Speaker, we do not protest the presence of Members not on the committee at the markup and hearing. Our complaint is that we were denied the opportunity to ask questions and to call our own witnesses, as we were entitled to do under the rules.

The only remedy, Mr. Speaker, is a point of order at this stage of deliberation.

Is it correct that I would be required to raise a point of order, Mr. Speaker, when the committee resolves itself into the Committee of the Whole?

The SPEAKER pro tempore. If the gentlewoman insists on her point of order, that point of order would be timely at this point in the process.

Mrs. COLLINS of Illinois. Thank you, Mr. Speaker. However, because, Mr. Speaker, I do not want to engage in any kind of dilatory tactics, such as I have heard before in the 103d Congress and previous Congresses, I will not insist upon a point of order at this time.

The SPEAKER pro tempore. Does the gentlewoman seek a response from the Chair regarding the inquiry?

Mrs. COLLINS of Illinois. Not at this time, Mr. Speaker. I think I have made my point.

UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5.

□ 1244

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, the gentleman from California [Mr. DREIER] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield 5 minutes of my time to the gentleman from California [Mr. CONDIT], and I ask unanimous consent that he be allowed to manage that time. I also ask unanimous consent that the committees be recognized in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DREIER. Mr. Chairman, I, too, ask unanimous consent that I be able to yield 5 minutes of our Committee on Rules time to the gentleman from California [Mr. CONDIT], and that he be able to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from California [Mr. CONDIT].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, some years ago a serial killer whose name I forget, there are so many these days, left a scribbled note at the scene of one of his murders which said, ''Stop me before I kill again.'' In effect, he was saying, ''I know what I am doing is wrong, but I am powerless to stop doing it.''

Mr. Chairman, so it is with unfunded mandates. Most of us in this House know what we are doing is wrong, that we are putting an increasingly intolerable burden on States and local governments in the private sector, but we seem incapable of stopping it. H.R. 5 is our way of saying, ''Stop us before we mandate again.''

In fact, this bill will not actually stop us from imposing additional unfunded mandates, but it will certainly slow the process, and will force each of us to go on record if we want to mandate action by State and local governments without providing the resources with which to pay for it.

It does not go nearly as far as some of us would like. No money, no mandate, would be our preference, but H.R. 5 is a reasonable compromise between divergent views, and one which has the support of the President and bipartisan support in both the House and Senate.

This bill begins to restore to State and local governments some measure of control and direction over their own affairs, control which the Federal Government has increasingly arrogated to itself over recent decades.

Here is what H.R. 5 will do. Title I establishes a 1-year commission to reevaluate existing mandates and to make recommendations to Congress and to the President as to whether some or all should be changed to ensure that they still make sense.

Title II requires Federal agencies to consult with State and local elected officials and to prepare statements on agency actions that will cost State and local governments or the private sector in excess of $100 million.

Title III applies to us. It ensures Congress is informed and accountable when it comes to considering an unfunded mandate in pending legislation. It requires that CBO score the cost of State and local governments as well as the private sector of any mandates in new legislation prior to floor consideration. Then, this title establishes a point of order on the floor against consideration of legislation imposing unfunded mandates over $50 million unless there is funding.

Here are some of the things this bill will not do, despite the rising chorus of naysayers who see the erosion of environmental and safety protections, if not the dissolution of the entire nation, with passage of this bill.

It will not have any effect on existing mandates designed to protect the environment, worker or consumer safety, or any other existing Federally mandated requirements. It has no, repeat no, retroactive effect. It will not, per se, create competitive inequities between public and private enterprise.

It will not preclude, and in fact is designed to ensure, an up-or-down vote on whether to impose an unfunded mandate.

Mr. Chairman, I am well aware that there are some in this body, a small minority, I believe, who strongly oppose any limitation on the power of the Federal Government to dictate to States and to local governments. Their view is based on the well-intentioned but in my opinion misguided belief that only the Federal Government can maintain essential standards and that permitting flexibility to States or local governments will erode services and the overall quality of life in the Nation as a whole.

There is an implicit assumption in this position that States and local governments cannot be trusted to protect the welfare of their citizens, despite the fact that the governments closest to their constituents are likely to be more responsive, not less, to environmental safety and other concerns.

The truth is that it has often been the Federal Government that has frustrated State and local efforts to deal with problems of all sorts.

Too often the Federal Government has mandated an inflexible solution and made the situation worse rather than better. The cumulative effect of these requirements, Mr. Chairman, is that communities and States have been forced to increase the burden on their citizens to pay for them, whether the mandates make sense or not.

□ 1250

H.R. 5 will force us to think twice and vote twice before passing a mandate that someone else has to fund.

Mr. Chairman, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, we take a lot of things for granted in this country. We take for granted that our drinking water will be free from germs and free from dirt. We take for granted the air we breathe will be reasonably clean. We take for granted that the food we buy in the supermarket meets certain quality standards. But once this unfunded mandate bill passes, we may have to stop taking these things for granted, at least on a Federal level.

Mr. Chairman, the people of my district know about dirty water and high water rates. We live next to the single largest water treatment project in the country, the Boston Harbor cleanup. Let me tell you, it is one thing to live next door to the harbor, but it would be another thing altogether to have dirty water coming out of our faucets all over the country.

I am concerned that families who want clean water and the workers who want to know that the places they work will be as safe as they possibly can be made.

Mr. Chairman, we have come a long way in this country from the days of contaminated drinking water and sweatshops. Let us not undo all the good we have done just because we are in a hurry to pass an unfunded mandate bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, I want to start by complimenting the sponsors of this bipartisan legislation. Messrs. CLINGER, PORTMAN, CONDIT, and DAVIS have done a superb job. The four of them have worked diligently to produce a balanced bill that addresses the need to make Congress accountable when enacting unfunded mandates without unduly hamstringing the legislative process.

During a markup last Thursday the Committee on Rules adopted amendments to clarify that H.R. 5 does not apply to straight reauthorization bills, and to streamline the process when a point of order is made on the floor with respect to unfunded mandates.

H.R. 5 does not explicitly prohibit the enactment of future unfunded mandates. But it does make enacting such mandates procedurally challenging. That is because, for too long, Congress has been casually passing the buck by imposing enforceable mandates on State and local governments without commensurate funding to carry out those duties.

Frankly, I would like to see the bill go further by rolling back some existing unfunded mandates, such as the motor voter bill. Enforcement of that law will cost my State of California more than $35 million annually.

In addition, a number of Federal environmental laws and regulations imposed on local governments are paid for by taxes on homeowners in the form of impact fees. In California, these fees exceed $20,000 per new house. For every $1,000 added to the price of a home as a result of these mandates, 20,000 middle-income families are priced out of the market.

However, H.R. 5 is not the proper vehicle to retroactively resolve these onerous mandate problems. Congress will have the opportunity to modify or repeal existing unfunded mandates when the commission which is established under H.R. 5 conducts a thorough study and reports its findings to Congress early next year.

Many of my colleagues on the other side of the aisle are calling for more time to study this mandate relief bill, arguing that the measure is complicated and could hamstring the legislative process. That is the point of the legislation. As long as committees do not report bills containing unfunded mandates, H.R. 5 makes no changes in existing legislative procedures.

The bill is the result of years of negotiations with State and local government officials who have been calling for mandate relief since the early days of the Reagan administration.

Yet while Democrats were in control of Congress, their leadership chose to ignore the problem. In fact, in the 1980's, as Ronald Reagan sought to deny liberals in Congress carte blanche access to the tax code to finance their spending binge, they began instead to use State and local governments as unreimbursed instruments of their social welfare agenda.

Between 1980 and 1992, according to the Advisory Commission on Intergovernmental Relations, Congress enacted at least 63 Federal laws that contained mandates that affect State and local governments. These laws do not include the so-called motor-voter law and the Family Medical Leave Act, both enacted in 1993.

An October 1993 study by Price Waterhouse for the U.S. Conference of Mayors found that compliance with just 10 unfunded mandates cost the cities $6.5 billion in 1993 and a total of $54 billion proposed between 1994 and 1998.

Undaunted by the impact of these burdens, opponents fear that H.R. 5 will become a major obstacle to their efforts to nationalize the health care system, increase the minimum wage and impose new environmental cleanup costs on States and communities. They plan to offer amendments to exempt from the unfunded mandate prohibition entitlement programs such as welfare

and measures affecting public health and safety. These amendments would essentially gut the bill because the definitions of public health and safety are vague, and most unfunded mandates fall in these categories.

Nine weeks ago, the voters sent a message that they were tired of the unrestrained growth of governments at all levels that has occurred over the past decade while Congress was dragging its feet, paying lip service, scapegoating and passing the buck when it came to streamlining and reforming government.

The reality is that the new Congress cannot act fast enough to end unfunded mandates and reduce the size and scope of government. H.R. 5 takes a significant step in that direction. Combined with a balanced budget amendment, regulatory reform and tax cuts for working families, this legislation will transform Government and restore the confidence that the American people once had in this institution.

Mr. Chairman, I urge my colleagues to support H.R. 5.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

(Mr. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, as the ranking minority member of the Government Reform and Oversight Committee, let me begin by noting that the issue of unfunded mandates is not a Democratic or Republican issue.

It is fair to say that Members on this side of the aisle have a range of views on the mandates bill—from those who believe it should be stronger to those who would make it weaker.

In the previous Congress, under Democratic control, but the Committee on Government Operations and its counterpart in the Senate passed bipartisan legislation dealing with mandates. At the Government Operations Committee the vote was 35 to 4, including the support of our current chairman and our previous chairman, as well as the same group of State and local officials that support this bill.

Unfortunately, the bill that is before us this year is different from last year's bill. It is also different from the bill described in the Republican Contract With America. This bill was hatched in secret, with no public hearings. Even so, our goal during the floor consideration of H.R. 5 is not to kill it, but to perfect it, and it needs plenty of perfecting.

I intend to discuss this bill, not in the abstract terminology of unfunded mandates, but in the terms of the real world. We know, for example, that our constituents always agree that we should cut entitlements, but when we use the real world terms of Social Security and Medicare—the two largest entitlements—they say leave it alone.

Similarly, unfunded mandates just sound bad. However, I find that when we discuss examples of mandates—from cleaning up our drinking water to better airport security—I get a different response. Therefore, I think you will hear a good deal of debate about what should be covered by the bill, and what should not.

The authors of the bill have made those judgments. For example, they believe it is alright to have an unfunded mandate to the States to pay for national security, so they exempted those bills. Many on our side feel strongly that matters such as child immunizations and cleaning our air and water are just as important. We believe that in their haste to enact this bill, the Republican majority have overlooked these concerns.

We also must ask why this bill should not apply as soon as possible, rather than be delayed until October 1. That will be after the bills implementing the Republican contract, after the bills making huge spending reductions to the States, and after welfare reform and other bills have been considered. If we are serious about this legislation, it should apply now, not after the Republican agenda has been largely considered.

We also intend to raise the issue of the treatment of private and public enterprises. Under this bill, private companies, such as utilities and pipelines, would face more stringent laws than publicly owned enterprises. The question is, why shouldn't a municipal landfill be subject to the same rules as a private landfill? Are the people who live next to the public landfill less deserving of protection? Should the private company be at a competitive disadvantage?

None of these amendments is a killer amendment. They are, however, important perfecting amendments. In the end, the real debate about mandates is not just about their cost, but their effectiveness. Many of the most important mandates were supported by the States, because of the contribution they would make to the lives of their people. These were not mandates passed in the middle of the night. They were passed after years of hearings with the full participation of the States, and usually their strong support. Perhaps this is a reason why the authors exempted current mandates from this bill.

I suggest that before we go overboard on this issue, we look at our record on matters such as clean air and clean water. Have we been successful? You bet. Did the Federal Government help pay the tab? We sure did, with hundreds of billions of dollars. Did States and localities chip in? Yes, they did, and I think they got their money's worth.

Mr. Chairman, I look forward to this debate under an open rule. For those of us on the Government Reform and Oversight Committee, which was designated the lead committee on the bill, it will be our first and only opportunity to truly discuss these issues.

□ 1300

Mr. Chairman, I reserve the balance of my time.

Mr. CONDIT. Mr. Chairman, I yield myself as much time as I may consume.

(Mr. CONDIT asked and was given permission to revise and extend his remarks.)

Mr. CONDIT. Mr. Chairman, today marks the culmination of years of work by both Democrats and Republicans to put accountability back in Congress. I want to pay special recognition to several Members, the gentleman from Pennsylvania [Mr. CLINGER], the gentleman from Texas [Mr. GEREN], the gentleman from Virginia [Mr. MORAN], the gentleman from Kansas [Mr. ROBERTS], and the gentleman from New York [Mr. TOWNS], and the entire group that made up the Unfunded Mandate Caucus that worked very, very hard to find a solution to this serious problem facing this country.

Our current system of mandating the cost of programs on to States and local governments is a good example of the abuse of power by Washington. Under the current system, we in Congress can pass what we call feel-good legislation. That is, legislation that lets us feel good. We get to feel good and pat ourselves on the back and say what a good job we have done, and at the same time we get to pass the cost on to State and local governments.

Today we are taking a great step in correcting that problem. Today we are putting some accountability back in this Federal Government which simply means if it is good enough for us to debate, it is good enough for us to pass, it ought to be good enough for us to come up with the money to pay for it. That is what we are doing today, Mr. Chairman, and I would encourage all of the Members who think they can make this a better piece of legislation, it is an open rule, they can come and offer amendments and they should do so.

But at the end of the next couple of days we are going to have a piece of legislation that we can be proud of and something that will help local governments and State governments across this country and we ought to be in support of.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. The gentleman from California [Mr. CONDIT] and the gentlewoman from Florida [Mrs. THURMAN] deserve a great deal of special credit, even greater to the extent of what is now a majority in Congress because they fought this fight last year as a minority within a majority. Collectively we have on the floor today a bipartisan approach where the realities

of the impact of decades of lack of accountability by the Government to its citizens has risen a tide whereby a majority of the majority and a majority of the minority in that realization are finally going on the RECORD to tell some of the folks at home, to say somebody finally is hearing some of their messages.

While many would talk about the merits of mandates, I would just like to talk about instead the unintended consequences of legislation.

I think Newton's third law ought to apply to legislation, that every act of legislation has an equal or opposite greater reaction. What has happened over decades is we have told towns that have a part-time mayor and no attorney whatsoever to figure out the most complicated regulations devised by a battery of lawyers within Washington, DC, and given a limited amount of time in which to deal with both economic sanctions, penalties, and indeed laws that carry criminal penalties.

So the mayor of a small town in America knows he has a school with asbestos and somebody ought to do something about it, and it is him. He knows he has a Clean Water Act and he has never heard of a section 404 expansion of a public building to what is in wetlands, even though it looks dry to him. He knows he has a Safe Drinking Water Act with a mandate with a $250,000 cost, which in his town is bigger than his entire tax base and no Federal Government to help him because whatever funding is available is sucked up immediately, and no Federal Government to even answer the question of which to do first. Is it the asbestos before the drinking water? Is it the drinking water before the cleanup on wetlands, or is it the wetlands first before asbestos? No one knows.

In 2 days they expect our collective answer.

Mr. CONDIT. Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Ohio [Mr. PORTMAN], who is a prime sponsor and author of this bill.

Mr. PORTMAN. Mr. Chairman, I thank the chairman for yielding the time and want to congratulate him for getting the bill to the floor after years of effort to do so. It has been a true pleasure to work with him on this critical new mandate relief legislation that really initiates a new Federal-state-local partnership and a better understanding of the impact mandates have on the public and private sectors.

The goals of H.R. 5 are really very simple. First it gives Congress the information on the cost of mandates. Second, Congress must have an informed debate on the issue of mandates. It guarantees floor debate on the issue, and finally accountability. No significant unfunded mandate can now go through Congress without Members having to vote up or down in the public view.

Unbelievably, none of those three things currently apply. That is what this bill gives us.

It is important to note in the debate today, Members may hear some say otherwise, but it is important to note this is not a partisan issue outside the Beltway. In fact, we are here debating H.R. 5 today explicitly because State and local elected officials of both parties have come to us. The outcry has been bipartisan.

All Members have to do is pick up the Washington Post today and look at page A13. The headline reads ''Unfunded Mandates Top Cities' List of Problems.'' The unfunded mandate crisis is listed in the National League of Cities survey as the No. 1 issue ahead of crime, ahead of violence. The National League of Cities survey as the No. 1 issue ahead of crime, ahead of violence. The National League of Cities, the National Governors Association, the U.S. Conference of Mayors, the U.S. Conference of State Legislators, the National Association of Counties, and individual State and local government officials all across this country have enthusiastically endorsed this approach.

Governor George Voinovich from my own State of Ohio, in the most comprehensive and quantitative State report on burdens caused by mandates, put the problem this way:

> The recent explosion of unfunded Federal mandates—174 since the mid-1970's—tells us of a troubling dynamic that distorts governmental accountability. The guardians of the Federal Government have grown adept at a sort of budgetary sleight-of-hand that allows Washington to exert greater influence over other government subdivisions without providing corresponding Federal support.

He is right. Mandates preempt important State and local initiatives, stifle local innovations, force States and cities to reorder their budget priorities and to revamp their budgets. It has led to the total breakdown of the Federal-State-local relationship envisioned by the architect of our government.

Toward that end, the gentleman from California [Mr. CONDIT], a longtime champion of that issue, the gentleman from Virginia [Mr. DAVIS], the Gentleman from Pennsylvania [Mr. CLINGER] and myself have introduced H.R. 5 on the first day of this session. It is a carefully balanced approach. It is the result of lengthy consultations with State and local officials across this country, with the Congressional Budget Office, and yes, with the House and Senate Budget Committees, the Rules Committee, and with Members of Congress on both sides of the aisle, experts from the Congressional Research Service, regulators from Federal agencies and many, many others.

□ 1310

It is the result of having carefully thought about the alternatives of a balanced budget.

Again, to clarify, H.R. 5 is a good bill. I look forward to its passage in the next few days.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Wilmington, DE [Mr. CASTLE], the former Governor of Delaware who understands full well the impact of unfunded mandates.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time, and I congratulate everybody who had anything to do with this legislation, but particularly those who worked sort of in the dark a year ago when nobody was supporting it. You have done a wonderful job.

If we can pass the balanced-budget amendment next week, if we can pass the unfunded mandate bill next week, this body will have started the reduction of spending and control unequaled since the beginning of this country.

I know, as a Governor of a State, when I put together our budget in Delaware, for a number of years 20 percent of it went into unfunded Federal mandates, some $300 million out of a budget of $1.4 billion.

Mayors, county executives and Governors are elected for a reason. They should put programs into place that will benefit their States, their counties and their towns, and they should not be told from here in Washington exactly what they should do and how it should be done. They should be given the choice of how to move forward.

We have seen restrictions with Medicaid costs, we have seen it with welfare requirements, Clean Water Act.

We need to get the complete picture. I believe if we can pass this legislation, we will have gotten there.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota [Mr. SABO], the ranking member of the Committee on the Budget.

Mr. SABO. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I intend to vote no on this bill.

Let me just say as background, before I came to Congress I spent 18 years in the State legislature, 8 years heavily involved with putting State budgets together, with that primary responsibility in dealing with the relationship of the State to local units of government throughout our State. So I fully understand the impact; maybe not fully, I understand partially, because I do not know if any of us understand fully the impact of the relationship between one unit of government to another, and I understand there is a problem of mandates.

But what I fear is happening here is total overreaching. I find unbelievable that we could start as a basic premise of law, as a Federal Congress, to say to someone like me from Minnesota, at the top of the Mississippi, that if you want to dump your sewage into the Mississippi at the Iowa-Wisconsin border, it is of no relevance to the Federal Government unless the Federal Government pays the full bill. That is the concept of this legislation.

Second, we exempt the most obnoxious things we do except conditions of Federal assistance. Maybe that is appropriate when it is tied to the financial assistance, but we regularly tie in other policy unrelated to that basic program, more often by conservatives than by liberals. We try to tell the States how to structure their sentencing, because we are so much smarter than the State legislatures. That is not prohibited by this bill.

But I have a question to the chairman of the Government Oversight, as I project for us to meet the terms of the contract of a balanced budget amendment by 2002, the tax cut, simply freezing defense outlays, we will need to cut Medicare outlays by program changes by a minimum of $225 billion over the next 5 years, more than likely $250 to $275 billion; Medicare at least $115 billion, more than likely $125 to $150 billion.

Page 25, II, how would that apply as the Congress makes those cuts that are going to be required under the contract?

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I have to ask the gentleman which version are you referring to?

Mr. SABO. Page 25, II.

Mr. CLINGER. This is in the amendment in the nature of a substitute?

Mr. SABO. No; no. The copy of the bill we have. It says, ''This bill applies to anything that would place caps on entitlement upon or otherwise decrease the Federal Government's responsibility to provide funding for States, local government or tribal governments under the program.''

Mr. CLINGER. I will be delighted to discuss the matter with the gentleman.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], the fighter for his district, for the laboring man and woman.

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. In 1978 Congress killed revenue sharing, $3 billion that returned some taxpayers' dollars back to the cities, counties and the States. Members of Congress called it pork.

Every 2 years since I have been in Congress, Congress has a new tax bill, and each of these new tax bills, the increases are bigger than the previous. Each tax increase is the biggest in American history.

We have given hundreds of billions of dollars of foreign aid since 1985. We have even given Russia $12 billion in foreign aid. Congress will bail out Mexico even though I oppose it. I can see that coming down the pike.

I support this bill. It is not enough, but it is a start. Because what Congress has said in the past, ''Yours is not to question why,'' to the States and the cities and the counties, ''yours is but to do or die.'' Let me tell you what they have done, Congress, they have died.

Look at our roads and bridges. Look at our cities. There are 25,000 murdered in America and one million high school graduates who cannot read. Our cities, States and counties have died. They did not have a vote on much of this business.

I want to commend the Republican Party for at least bringing the bill out with some openness so that Members of the Democrat side can offer at least amendments.

But I will say this: I think it is time to start returning, in addition, some of the tax dollars back to our cities, our counties and our States. I plan to introduce a very unpopular bill. The bill will say that we take $5 billion from the foreign aid account and transfer it to a reopened revenue sharing account for our cities and our States and our counties on a formula basis to use as they see fit.

Because the only choice you have given them is cut services or raise taxes, do or die, and they have died.

I support this bill, and I will continue to support open rules that come from the Republican side, and I commend them for such.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

(Mr. PAYNE of Virginia asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Chairman, I want to thank my colleague for yielding me this time and to thank him for the excellent work that he has done on unfunded mandates.

Mr. Chairman, for the last 4 years I have cosponsored legislation that has required full disclosure of the cost of Federal regulation on our States and our localities, and I am pleased to see that today's legislation that I have cosponsored has formed the basis for H.R. 5.

For too long now, Congress and Federal regulators have imposed mandates on States and localities without considering the economic burden that goes along with these mandates.

H.R. 5 will require that the cost and benefits of all of these bills brought to the floor must be identified and, as possible, quantified and, as necessary, paid for.

I represent a large rural district in Virginia, and time and time again the towns and counties in my district have been forced to expend their valuable and their scarce resources to comply with mandates that often do not make sense and are often not designed for their smaller communities.

□ 1320

So I am particularly pleased that H.R. 5 recognizes and responds to the specific needs of small and rural towns, counties and cities.

H.R. 5 will require Federal regulators to notify and consult with the officials of small towns and counties before writing regulations that significantly affect them. This requirement means that, at last, rural communities will be able to present their unique circumstances to the Federal Government and be assured that these circumstances will be heard.

I believe H.R. 5 will help restore the needed balance in the relationship among the local, State, and Federal Governments.

I urge your support for H.R. 5.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. THURMAN].

(Mrs. THURMAN asked and was given permission to revise and extend her remarks.)

Mrs. THURMAN. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise today in strong support of ending the practice of the Federal Government placing unfunded mandates on our State and local governments and our businesses. Like other Members of this body, I have a background in State and local government. All of us who came here from State and local governments know first hand about the problems that have been created when the Federal Government issues orders, but no money to carry out the mandate. While serving as a member of the Florida Senate, I helped pass an unfunded mandate prohibition after considerable deliberation.

With that I must add my sense of regret about the process under which this bill is being considered. This is a very, very important and complex piece of legislation. As a member of the Government Reform and Oversight Committee, I had hoped that we would have held at least one hearing to examine all ramifications of H.R. 5, as we did with the line-item veto, but instead of hearings we proceeded directly to markup. While this bill is based on legislation that my colleague, the gentleman from California [Mr. CONDIT], introduced and I voted for during the previous Congress, there are significant changes that should have been discussed during this hearing.

Even more unfortunate is the fact that during the markup I know for myself that we asked questions that we were asking for clarification and that would have given us a better understanding of what potential harm this bill might cause. Most important, matters were not resolved during the markup.

The question of the impact of this bill on the private sector when the State or local entities opt out of Federal mandates remains unclear. Fortunately, an amendment was approved during markup to exempt social security from the provisions of this bill, which I supported. But we had some other amendments, Medicare, laws and regulations protecting the elderly, infants, children, pregnant women, other worker protection laws for workers.

I am also concerned about an issue raised by the gentleman from Mississippi [Mr. TAYLOR] regarding sewage treatment laws. I understand that he will offer an amendment to exclude from the bill laws relating to sewage treatment, and I intend to fully support him in his efforts.

In closing, let me once again express my strong support for ending unfunded Federal mandates.

Mr. CLINGER. Mr. Chairman, I am now very pleased to yield 3 minutes to another prime cosponsor of this legislation, one who has been a very active participant in the drafting of this legislation, the gentleman from Virginia [Mr. DAVIS].

(Mr. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. I thank the chairman for yielding this time to me.

Mr. Chairman, I am proud to stand on the floor of the House today to support passage of H.R. 5. As one of four chief sponsors of this legislation, I have had the privilege of working with colleagues from both sides of the aisle to craft a bill that will finally require Congress to put a price tag on Federal programs that mandate State, local, and private sector action.

I may be a new Member of this body, but I am no stranger to the problem of unfunded mandates. For the past 15 years I have served on the front lines in the struggle against unfunded Federal mandates. As chairman of the county board of supervisors in Fairfax for 3 years and as a member of that board for 12 years, I have witnessed the hardship caused when local taxpayers must pay for the cost of Federal requirements before being allowed to allocate money to hire police officers and teachers and other needed programs.

Last year I testified before Congress on this issue in my capacity as cochairman of the National Association of Counties' unfunded mandates task force.

This bill is unanimously and strongly endorsed by not only NAC but also groups like the National Governors' Association, U.S. Conference of Mayors, and the National Council of City Legislatures, Council of State Governments, National League of Cities, and even the U.S. Chamber of Commerce. And the list goes on and on. These organizations recognize that the heart and soul of government is local government and that local tax dollars must be used to fund local priorities, not having priorities set from Washington, DC. This bill is both forward-looking and preventive in nature. This legislation does not touch any existing mandate and does not reduce any existing health or safety standard.

Further, this is not a debate about the pros or cons of any specific Federal mandate. Instead, this bill forces Congress to ask the following questions before voting for unfunded mandates: Who pays; what are the benefits relative to cost; what is the impact on local priorities; does local government have the appropriate flexibility to carry out mandates in the most appropriate fashion? Congress has passed 72 unfunded mandates in the last 9 years as compared to only 19 between 1970 and 1986.

In my county we compiled the costs of 10 of these and found that they cost $30 million annually.

The unfairness of the increasing number of Federal mandates is that State and local governments are left with no flexibility, they must either raise local taxes or cut local services like emergency medical care, fire fighting, education, and the like.

This legislation can be summarized by three words: priorities, honesty, and accountability. H.R. 5 discourages the Federal Government from forcing its priorities onto local governments without allocating the necessary Federal funds.

Next, this bill forces Congress to be honest with the American people about the programs and regulations that it creates. Taxpayers deserve to know the price of a program or regulation before they are forced to buy into it. For the first time this forces Congress to honestly determine the cost of mandates before imposing them on local taxpayers.

Finally, H.R. 5 is about accountability, making Members of Congress stand up and cast a recorded vote on all substantial mandates with full knowledge of their costs. This bill allows Congress to continue to enact legislation with mandates, but the financial consequences of the mandates will be premeditated and deliberate.

I ask support of the passage of this important and long overdue legislation.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Monticello, IN [Mr. BUYER], a member of the Committee on Armed Services.

Mr. BUYER. I thank the gentleman for yielding this time to me.

Mr. Chairman, for far too long the Federal Government, I believe, has usurped the 10th amendment of the U.S. Constitution. That specific intent of our Founding Fathers was to recognize States rights. This usurpation has stifled the growth of not only the Nation's business because of the cost of compliance with many Federal mandates, but I am also very pleased that finally this body will recognize States rights and will insure that States and local communities are allowed to determine how best to resolve their problems. It must also be fully aware of the burdens it is placing on the business community and those in the public sector.

You see, many across this Nation, elected officials, local responsible leaders, have been called, challenged to solve many of many of the local problems, create economic growth and development and provide necessary services at minimal cost.

However, the Federal Government for years has been redefining the responsibilities of the local level as being held to comply with Federal regulations, forcing them to sift through the Federal bureaucracy to obtain grants and Federal assistance. The time is now to stop that. Let us pass this bill.

Mr. MOAKLEY. Mr. Chairman, I yield 5 minutes to the gentleman from the Commonwealth of Virginia [Mr. MORAN], formerly of the Commonwealth of Massachusetts.

Mr. MORAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, we just heard from our good friend from Fairfax County, TOM DAVIS, who was my neighbor. He chaired the Fairfax County Board of Supervisors as I was mayor of Alexandria.

Like Tom, when I came to this Congress 4 years ago, my highest priority was to do something about unfunded mandates because they were unfair. The worst part about it was that the executive branch took a cookie cutter approach, one size fits all, regardless of the geography, demography, or cost.

They also did not seem to be willing to talk with us, to work things out, to exercise judgment.

So I authored what we call the FAIR Act, the Fiscal Accountability and Intergovernmental Reform.

We worked on it for 4 years. Virtually everyone on this bill was a cosponsor because in the last term we had 250 cosponsors. That bill had the support of every one of these local organizations that we have mentioned today, National League of Cities, Conference of State Legislatures, several of the larger ones, even the support of the U.S. Chamber of Commerce and virtually every business group.

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It should have been passed last year. It is a source of great frustration that it was not. The principal reason that it was not is that we in the Democratic Party are responsible for most of the Federal legislation that has been passed over the last 40 years. Of course each one of those pieces of legislation created their own interest group who want to protect their own turf, and so it was impossible to get through their special-interest lobbying efforts to get a reasonable bill. Eighty percent of that bill that had such overwhelming support is in this bill. But it is the 20 percent that causes the problem, and the biggest problem is one of unintended consequences, so that is why I do not speak in an accusatory way of people that are supporting and sponsoring this bill. But I have to share my concerns.

The first concern is that it will completely limit the Committee on Appropriations from being able to exercise judgment. In fact, in the explanation for this bill in the National League of Cities' publication, which was just published, it says for any program over $50 million it creates an entitlement to

fully pay for the mandate. Now 75 percent of the Federal budget goes for existing traditional entitlements, Social Security, Medicare and the like, interest on the Federal debt, and Defense budgets, so we are only talking about 25 percent of the budget. For any new Federal program to get passed, it has to be fully funded by the Committee on Appropriations. We now have to deal with a pay-as-you-go requirement that there be new revenue raised to pay for any new initiative or other programs cut. It is exacerbated by a balanced-budget amendment that may very well pass within a week, and it is further exacerbated by the intended cuts of almost a trillion dollars over the next 7 years. So, we do not have the prerogatives to exercise judgment.

The second problem is that it treats the private sector different than the public sector. The unintended consequences: there will be no more competition between the private sector and the public sector, and in fact all of our privatization efforts where we contract out to the private sector will no longer be available because the private sector will have to comply with laws and regulations, whereas the public sector will exercise the option of not complying because the reality is that there is no money to pay for any new initiative.

Now we are told that no program that currently exists when it is reauthorized applies to this. There has never been reauthorization that was identical to the existing authorization. We always expanded upon it. Every committee puts its mark upon it. We expand its scope, and we expand its costs, so it means every Federal program ultimately will fall under this unfunded-mandate legislation. Virtually everything will become optional to States and localities, and the unintended consequence is that unfunded mandates will be eliminated. But the biggest problem on States and localities is going to be unfunded burdens, and within 5 years I guarantee my colleagues those States and localities will be coming back to us to relieve the burdens that ultimately were created by this legislation.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Chairman, we have been working on this approach for a long time, and my colleagues will hear and have heard a lot of rhetoric about what the approach will and will not do. Let me try, if I may, as a former member of the State legislature in Tennessee and after speaking with the president of the U.S. Mayors' Conference from my own State of Tennessee in Knoxville, Victor Ashe, let me try to say succinctly what this approach will do.

This bill is about having accurate information on the costs of a given statutory provision being considered and encouraging the Congress to consult with State and local government representatives about how best to address the Nation's problems. My colleagues, this is not going to cause or prevent something good, and needed, and necessary in this country from happening. It will encourage the Congress to consult with local, and State, and Federal, and municipal officials, county officials, and that, after all, is what we all desire. This is a federation of States, this country, and I think this is a huge step in the right direction to fulfill the American exercise in self-government.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], the vice-chairman of the Committee on Government Reform and Oversight and a very active participant in the drafting of this legislation.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I think it is time that the Congress of the United States became a more responsible institution. I think we took one step in that direction on the first day of the 104th Congress when we enacted a number of very needed reforms, including making the Congress susceptible to the laws that it passes upon everyone else, and other reforms. I think we are moving towards fiscal responsibility as I believe, ultimately in a bipartisan basis, we move toward a balanced budget. This bill, H.R. 5, which I support, moves us towards regulatory responsibility.

It has been pointed out already, and I am sure it will be pointed out further in this debate, that there are times when mandates from Congress that cover the Nation are necessary, and in those instances there is nothing in H.R. 5 that prevents the Congress from enacting such legislation. But this matter of imposing mandates on the States has gotten beyond the realm of responsibility, that without with regard to costs versus possible benefits, if any, almost any whim in Congress gets imposed upon the States because Congress has no responsibility for paying for that.

Now, for example, a number of rural communities in New Mexico, where I come from, say that amendments to the Clean Water Act threaten to bankrupt them because they are required under those amendments to test for substances that have never been found in the waters in their areas. Similarly in the city of Albuquerque, where I live, which has met Federal clean air standards for the last several years, nevertheless the Federal Environmental Protection Agency is going to require the city of Albuquerque to make expensive changes in how it tests for air quality and how it insures that automobiles do not exceed air quality standards. Now the point is, assuming the validity of Federal air quality standards, if any locality meets those standards, why should the Federal Government even further say, ''You have to do it at your own expense, make certain changes''?

H.R. 5 will make the Congress accountable. H.R. 5 will require us to identify mandates that we are imposing on State and local governments, and, if they are valid, we can still pass them, but we will have to do so on the record recognizing the cost first.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

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Mrs. CLAYTON. Mr. Chairman, I speak as a former county chair of my board of supervisors and know the fact how unfunded mandates are indeed impacting the rural counties. But I think as we who may consider this bill need to raise some question, therefore we should not be blind supporters of a bill that may undergird the very things we think we support.

Therefore, I ask, Mr. Chairman, that safety in the workplace has been a priority of the Federal Government for more than half a century, since the enactment of the Fair Labors Standard Act of 1938. In 1970 the issue was treated squarely with the passage of the Occupational Safety and Health Act.

The Unfunded Mandate Act tends to threaten this. If indeed what you say is true, then I think you will indeed support my amendment when it comes forward to make sure that you say to the American people that you want to in fact protect children, you want to protect women.

I raise this issue because in North Carolina, some may remember there was a very serious fire, which in fact claimed the lives of more than 25 persons. Is the intent of this legislation to say that the Federal Government no longer has an interest in the safety of people? Is the intent of this legislation to say that the Federal Government is removing its responsibility in cooperation with States?

I would say to you that the cost to the State of meeting the minimum standards imposed by the Federal Government is really not that severe. They only pay for inspectors. Therefore, Mr. Chairman, I ask as we consider this, this is not a matter that should be rushed into unless we ensure to protect the American people.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time.

Why would our colleagues GARY CONDIT and Mr. GEREN and Mr. MORAN, Mr. CLINGER, Mr. PORTMAN, and this

Member, and 100 Members of this Congress on both sides of the aisle, join together in a posse, if you will, and indicate that they would work very hard for some kind of bipartisan bill to deal with unfunded mandates and call ourselves the Unfunded Mandates Caucus?

I credit them in regards to their leadership, more especially Mr. CONDIT, who has persevered on this issue, and now we are about to achieve something that I think will be real progress.

I will tell you why: The cost of Federal regulations today is more than $400 billion annually. That is more than the deficit. The Federal Government now has 122,000 regulatory personnel. The Federal Register has grown from 55,000 pages to 70,000. And in 105 counties in Kansas, every county board meeting that meets, every time during their budget considerations half of their expenditures must go to some form of Federal mandate. Some may be needed, many more are not. And many are silly and counterproductive and destroy the one element, the one issue, that is most important of all, and that is the faith and confidence of the American people in their Government.

There are some that say we need more hearings. My word, we have had hearings for 3 years. Mr. CONDIT and I wrote the then majority leadership of the appropriate committee, asked for hearings, were denied, had a hearing, had a bill reported, does not do enough. This bill does.

I will tell you why hearings have been held. Every school board, every county board, every city council, every country commission, every cooperative board, every business up and down Main Street, every Member in this Congress has had to go to bat on behalf of a community or a county or an individual or a business.

Those hearings have been held. Let's pass this bill.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON] who is the House of Representatives' at-large Ambassador to Korea.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, I rise to remind Members that we need to protect the ability of this body to respond to problems and crises that come up unexpectedly in our society. We cannot be bound by some bureaucrat who looks in his crystal ball and thinks he sees an unfunded mandate. For this institution to be bound that way is not only ridiculous but even blurs the separation of powers.

I appreciate the need to address the problems of unfunded mandates. But we have not been given the time to think through all the possible impacts of this legislation. In the past when we had problems in our meat-packing industry, we responded with appropriate regulations to make sure that minimum safety standards to protect both the workers and the public were created. Will we be able to do the same after this legislation?

When it became known that small children were being forced to work 12 to 14 hours a day in terrible conditions, Congress and the Federal Government responded with appropriate child labor laws to ensure that our children would not be treated like animals. Will we still be able to take this kind of action or will we be stopped by some bureaucrat.

When the public became alarmed about mine safety and subhuman working conditions for miners, Congress and the Federal Government responded with the Mine Safety Act. What would we do now?

Ironically, at a time when we are talking about less bureaucracy here in Washington, we are creating more to try to identify unfunded mandates not only for government but for the private sector. Bureaucrats doing lengthy analyses of whether there is an unfunded mandate in an amendment or a bill. With this expanded bureaucratic structure, we may not be able to overcome gag rules imposed by the imperfect foresight of a bureaucrat.

I hope our friends from the other side of the aisle will return our process for considering legislation to what it should be—a full and careful reading of the intended and unintended consequences of passing a bill.

Legislating should not be a guessing game. In the future weighing the merits of a bill could easily be reduced to a guessing game. Is there an unfunded mandate or isn't there? In many cases, we will be left to guessing because there will not be time to do much else.

I do not think that is what the American people want. They want an active voice in their Government. They want safeguards on drinking water and against pollution in the air, on the land, and in the water, if those are needed. Congress must be able to respond to the will of the people and not be gagged by a bureaucrat or anyone else. We do not want to be left in the embarrassing position of explaining to constituents how Members of Congress gave up their abilities to represent them to bureaucrats. I can assure you that is not what the American public wants.

Mr. Chairman, we agree that the Federal Government should be more accountable for the laws it passes. The Republicans are pushing a bill that says, in effect: if the Federal Government requires States to do something, it also has to pay for them to do it. That's not necessarily a bad thing. The Federal Government should be more accountable for its laws and regulations.

The little guy gets hurt. But the requirements we're talking about are things like clean air and clean water—crucial environmental protections. And in their rush they are completely ignoring who gets hurt—the little guy. The families who don't want polluted drinking water. The children who would have to breathe polluted air, because some think that a vague idea of "States rights" is more important.

Make no mistake: if this bill passes, we could be forced to completely abandon all efforts at clean air, clean water, safe foods, and so forth. The bill says: If the Federal Government doesn't pay 100 percent of the cost of some crucial protection, then we can't have that protection at all. That would mean the end of many of the most important Federal safety and environmental standards.

By rushing this legislation through without thinking it through, we could have unintended consequences that are devastating to families and children. How can we just ram through a bill that touches on all of the most important air, and water, and workplace safety, and even crime protection laws without taking a closer more careful look?

Democrats are fishing for amendments that will exempt the most important family safety protections from the "Uncle Sam pays for everything" provision. We're not going to allow struggling families to lose the clean air and clean water and environmental safety they demand and deserve, just to serve a handful of large companies. To rush this through without improving it is a grave mistake.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CONDIT] and ask unanimous consent that he may further yield the time as he so chooses.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I wish to thank the gentleman for yielding and for his leadership on my side of the aisle on this issue and to the chairman and to his party for allowing this issue to come to a vote.

I would like to speak briefly on the issue of accountability. It has been said that ignorance is bliss. Perhaps so, but for too long the bliss of this body has fostered the chaos of others. With the passage of this legislation, Congress will no longer have the excuse nor the luxury of irresponsibility, both of which are the handmaidens of ignorance. We will know what our legislation will cost and who will be expected to pay that cost.

This bill will not prevent needed legislation from passing, but it will require that the full effect of legislation, including the cost, be acknowledged by this body. No longer will Congress have the luxury of going to the candy store and sampling the wares and expecting somebody else to pay for our visit.

It may signal the end of an era of bliss based on ignorance and the beginning of a time of responsibility and accountability based on facts. All of us should welcome this new era.

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Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. I commend the sponsors of the legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], and the gentleman from Pennsylvania [Mr. CLINGER], who serves as chairman of our Committee on Government Reform and Oversight, for their efforts in bringing this important measure to the floor.

I support H.R. 5 because it effectively addresses congressional accountability. This body will no longer be able to casually approve legislation in Washington and send the bill home in the form of future increases in State and local taxes. This legislation will enable Members to more fully analyze the possible future consequences of new mandates by requiring the Congressional Budget Office to prepare cost estimates of proposed mandates in pending legislation. By approving this bill we will demonstrate to our Governors, mayors, and city officials that we will consider the budgetary burdens they face when they struggle to alter their budgets to respond to the cost of any additional Federal mandates.

Accordingly, Mr. Chairman, I urge our colleagues to forge a fairer partnership with our State and local governments by supporting this important measure.

Mr. Chairman, we must be acutely aware that many of these Federal mandates override existing State programs, thereby unintentionally tying the hands of State and local officials. The Federal Government must give deference and allow State and local bodies to use their unique knowledge of the specific local problems they face to formulate their own specific solutions. When this deference is not given, a well-intended piece of legislation can impose a burdensome requirement that mandates a less effective or more costly solution than measures previously instituted by State and local authorities.

For example, the General Accounting Office reported in April 1994, that in Alexandria, VA, local officials had instituted a program that used local taxicab companies to transport disabled persons door to door at city expense. However, after implementing a mandated requirement to modify local buses to permit access for the disabled, the city could no longer afford to provide the taxicab service. As a result, wheelchair bound residents now have to provide their own means of transport from bus stops that can be at a lengthy distance form their homes.

H.R. 5 will allow this body to avoid unintended ramifications of Federal legislation, similar to those consequences that adversely affected the handicapped residents of Alexandria, VA. To this end, I encourage my colleagues to support this much-needed measure.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I am reluctant to oppose H.R. 5, because I think that its basic purpose is sound and important. Gone are the days when Congress can heap miles of mandates upon State and local governments without regard to what these requirements cost.

Let there be no mistake, I support unfunded mandates reform legislation. Last year, I proudly voted for a well-crafted bill in Congress. But this bill has many serious problems.

My first problem is one of process. It is ironic that the very first bill to be reported out of the newly renamed Committee on Government Reform and Oversight was forced through the committee in a very heavy-handed way without a public hearing, even though this bill has the potential of affecting the basic environmental, health, and safety regulations afforded the American people. That is not Government reform, Mr. Chairman. It is simply a partisan power play.

But this debate should not be one about process. It should be about progress. Mr. Chairman, my concern is that the bill before us, however well-intentioned, will roll back the progress that the Federal Government has made in protecting the fundamental rights of the American people, the right to breathe clean air, drink pure water, eat healthy food, work in a safe workplace.

I am sympathetic to the need of States and localities to know how much they are required to pay to meet Federal mandates, but I cannot support a bill which would effectively remove the Federal Government as the safety net of last resort for the average American and one that was pushed through the process in a way that would have made Huey Long very proud.

Mr. BEILENSON. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized for 3 minutes.

Mr. DURBIN. Mr. Chairman, this is not a routine or simple bill. This is a bill of vast significance.

The unfunded mandate bill, taken together with the balanced budget amendment, if both are passed and signed into law, will call for a significant reordering of priorities in government between Federal, State, and local branches.

Now, I do not at this point suggest that we will prevail on the minority side, but I hope that some of the amendments we offer will be considered by our friends in the Republican majority.

This bill, the unfunded mandate bill, is a basic and sound, good concept. I was happy to cosponsor legislation by the gentleman from Virginia [Mr. MORAN] addressing the same subject last year. But in this session of Congress, the Republicans have gone too far, too fast, and their approach is too extreme.

This bill comes to the floor without a public hearing. Consider the significance of this bill and the fact that we have not invited those who will deal with it to talk about its consequences.

As a result, in their haste to pass the bill, the Republicans have ignored many real health and safety problems they are going to create. The unfunded mandate bill in many ways puts the health and safety of our families at risk. This bill is about the water that flows in our streams and rivers. It is about the water our children drink and whether or not that water is going to be pure and safe. It is that basic. It is that simple.

By exempting State and local governments from so-called Federal mandates for clean drinking water, for clean water and clean air, we are, in fact, involved in a gamble, a gamble that States and localities will do the right thing.

My district is on the Mississippi River. We have virtually a third of the continental United States pouring into that river. States upstream and localities which decide that they are no longer bound by Federal standards may or may not live by those standards. If they do not, my constituents in Illinois will pay for that decision.

I think each and every one of us wants to go to bed at night confident that basic issues about safe drinking water, about nuclear waste disposal, about the safety of landfills, are consistent nationwide. If someone moves from one State to the next, they should have confidence that their family is still safe. Unfunded mandates can also hurt private business, holding them to higher standards than their government competitors. Now, is it not ironic, the first action of the new House under the Contract With America was to pass a rule applying all the laws that we have enacted to ourselves as they would apply to private citizens. And now the second act of Congress, with this legislation, is to enact a principle that State and local governments should be exempt from those same laws. I think that is fundamentally inconsistent. I would suggest to the Members of the House that this bill deserves thorough scrutiny before we give it our approval and passage on the floor.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Knoxville, TN [Mr. DUNCAN].

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this bill and urge its passage. I am pleased to be a cosponsor of this very important legislation. Every year since I have been in Washington, our outgoing Governor from Tennessee,

Governor McWherter, has visited with members of the Tennessee delegation and has said, Please, no more unfunded mandates.

Governor McWherter is a Democrat and a good friend of mine, but this is not a partisan issue. This legislation has broad bipartisan support.

Unfunded mandates are costing our State and local governments billions of dollars every year. In fact, a recent Price Waterhouse study for the U.S. Conference of Mayors estimated that just 10 selected mandates will cost our Nation's cities $54 billion over just the next 5 years.

My own hometown of Knoxville currently spends millions of its budget complying with Federal mandates, many millions. Mayor Daley of Chicago held a press conference about a year ago which was reported in the Washington Post and the lead paragraph estimated that unfunded mandates were costing State and local governments hundreds of billions of dollars a year and Mayor Daley said that unfunded mandates were costing his city of Chicago alone $160 million a year.

The State of California is forced to spend $8 billion a year annually as a result of unfunded Federal mandates.

In the meantime, local priorities like education and fighting crime are being forced to take a back seat to this other legislation. And local taxes are going up to pay for the cost of these mandates.

According to the Republican Governors Association, Congress has passed a total of 72 unfunded or insufficiently funded mandates just since 1986. At the same time overall Federal aid to States has declined from $47 billion in 1980 to $19.8 billion in 1990.

□ 1400

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. PARKER].

(Mr. PARKER asked and was given permission to revise and extend his remarks.)

Mr. PARKER. Mr. Chairman, I rise in support of H.R. 5. It is not the intent of unfunded mandates reform to eliminate or scale back good programs that help people. The intent is simply to require the Federal Government to pay for the mandates it imposes on the States and municipalities.

This is not a difficult concept. It is totally logical. As individuals or a government it is irresponsible to attempt to do everything that may be good and helpful without regard to affordability. The fact is, individuals don't have such a luxury. Only government can do good works and let somebody else pay the cost.

Forcing cities and towns to raise local taxes to pay for federally imposed mandates to the point that taxpayers move away from the town is not helpful. Making local budget decisions in Washington by setting local spending priorities through the Federal regulatory process is absurd.

By the same token, forcing small businesses to close because they cannot afford the cost of compliance is equally pointless. While we are not addressing the private sector problem with mandates in this legislation, I hope we eventually will do so.

These are the issues at stake in unfunded mandate reform legislation. We need to insert reason into our legislative process and get back to reality.

I support many of the laws that the opponents of H.R. 5 say are at risk if a prohibition on unfunded mandates is passed. However, that support does not preclude my belief that we must be willing to pay for what we believe in. If Washington cannot afford to pay for these grand ideas that we come up with and consider to be so right, why do we think that States and municipalities can?

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to say a word to the dads, the fathers out there who, like me, have daughters in college or in school at some level. In the late 1970s a mandate law, an unfunded mandate called Title IX, came into effect, and probably every Member of this Congress at that time heard from their colleges saying, ''Don't do it,'' their universities saying, ''It will cost too much.'' I heard from Montanans, particularly the male jocks, saying ''This is a terrible idea. Don't do it'', but we did it.

Today my daughters are on the playing fields in organized sports in the colleges of Montana, and our daughters are playing basketball, and our daughters are playing tennis, and our schools have to spend the kind of money on our daughters, at least to some degree, that they have to spend on our sons.

Mr. Chairman, I have read this carefully. Given the political pressure that came to us in the late seventies, Title IX, if this bill had been law, Title IX could never have passed this House, would never have gone into effect.

I like the fact that my daughter plays basketball. I like the fact that that was a mandate from the Federal Government, and no, I do not believe that the taxpayers of this country should be subsidizing the University of Montana just so my kid can play basketball. I think that is up to the taxpayers of the University of Montana.

Please, my colleagues, please be a little more thoughtful. Please go carefully with this. There are such things as basic rights, and if the States and the schools of this country cannot do it, the public, through their Federal Government, has a right to say under the Constitution of the United States ''You must do it and you must pay for it''.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida [Mr. MICA], a very valued Member and chairman of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight.

Mr. MICA. Mr. Chairman, during the 103d Congress I had the opportunity to serve on the House subcommittee that considered unfunded mandate legislation. Our subcommittee held hearings both in Washington and field hearings throughout the country. We heard local officials testify in Pennsylvania, for example, that it would be cheaper to deliver bottled water to local residents rather than comply with proposed new Federal mandates.

We heard that most local governments operate under restrictive mileage or tax caps, and are also required, unlike Congress, to balance their budgets. We clearly heard that Congress, through unfunded mandates, has pushed them to their financial limits.

In my congressional district, our subcommittee heard our Orlando mayor explain how Federal mandates required needlessly taking naturally occurring substances out of our drinking water at one point in the treatment process and then replacing them at another point, at a very high cost. Unfunded Federal mandates have now become the greatest single source of increases in local taxes.

The problem today, Mr. Chairman, is little different from the problem in 1776: taxation without the consent of local representation. Think about it. Today Congress has replaced the distant parliament passing edicts from afar. Today King William has replaced King George, signing off on more laws and rules and edicts. Today our State and local governments have replaced the former colonies. Today they are now mere puppets, with Washington pulling the strings and choreographing a costly dance.

Quite frankly, Mr. Chairman, some people in Washington like it that way. They would like to keep it that way. They still believe that Washington knows best. They want to keep central control, and they cannot believe that people beyond the beltway can actually think and act responsibly on their own.

For those and other reasons I urge the passage of this historic legislation.

Mr. Chairman, although some people here just don't get it, the people have rebelled.

Without firing a shot, they're thrown the old ways overboard. Why? Because Americans have been over-mandated, over-regulated, and over-taxed from Washington. They have clearly said they are ''mad-as-the-dickens'' and they're not going to take it anymore. That is clearly why we have this legislation before us.

For too long our Federal elected representatives have passed good-sounding and well-intended mandates to State and local governments.

Unfortunately, these ''edicts from on high'' have reached a new low.

Over 170 laws have been passed in the last two decades that have imposed billions upon billions of dollars in unfunded Federal mandates.

While this legislation may not stop all unfunded Federal mandates it will create speed bumps and stop signs for halting the enactment of unnecessary Washington edicts in the future.

To those who say this legislation will prohibit the Federal Government from mandating protection of our environment, public health or safety, I believe the term used ''out West'' would be appropriate here: ''That's a lot of Hefferdust.'' If a mandate is important enough for Congress to pass, then it is essential for Congress to fund.

Mr. BEILENSON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER]

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, this legislation strikes at the very heart of the body of laws that bind us together as a progressive society, and with the highest standard of living in the world, the body of law that ensures that no matter where you live in this country, you can enjoy clean water; that no matter where you live in this country, local government and the private sector are working every day to improve the air that you breathe, so we no longer have to send our children indoors because it is too smoggy out. We no longer have to tell our senior citizens they cannot go out for a walk because the air quality is too bad, or we cannot drive to work because they do not want the automobiles on the road.

These are the laws that accomplished those successes. These are laws that said ''Yes, if you take money from the Federal Government, we are going to put onto you an obligation to educate the handicapped children of this Nation,'' because before that was the law, the handicapped children of this Nation could not get an education in the public school systems run by the States and localities that we now say are so ready to do the job.

But for that law, tens of thousands of handicapped children, because they have cerebral palsy, because they have Downs syndrome, would not be allowed in our public schools, but that is a Federal mandate. Yes, we pay part of the freight, but this law would say ''Unless the Federal Government presents 100 percent of it, no school district would be required to educate that handicapped child. Unless the Federal Government spends 100 percent of the money to clean up the local water supply, the local sewage treatment, the city would have no obligation.''

What happens along the Mississippi River in Indiana or Minnesota if they choose, or in Ohio, if they choose not to clean up the municipal sewage because the Federal Government will not pay 100 percent? That means the people in Mississippi and Louisiana have to inherit that sewage.

An unfunded mandate upstream is untreated sewage downstream. What does that mean to the fishermen, to the commercial enterprises, and to the tourist industry in those States? It means they suffer. That is why we have national laws.

When I was a young man you could smell San Francisco Bay before you could see it, but now we require all of the cities, not just the town that I live in, not just the oil industry, not just the chemical industry, but the cities upstream and downstream. Some of them, we had to take them to court to tell them to clean it up. Today San Francisco Bay is a tourist attraction. Commercial fishing is back. People can use it for recreation.

That is what these mandates have done. Yes, we have not paid 100 percent, but we have put billions and billions and billions of dollars into helping local communities make airports safe so they could become international airports, so people would have confidence in going to those cities. We have cleaned up their water and air. We have made it safe to drink. That is what this legislation is an assault on.

Mr. Chairman, the proponents of this legislation would have us believe this is a simple and straightforward initiative: Congress should mandate the States and local governments to do nothing that Congress is not willing to pay for in its entirety.

In fact, this legislation strikes at the very heart of the entire concept on which our Government is based. Government does have the responsibility to require that those in our societies—private individuals, businesses, and State and local governments—meet certain responsibilities.

Even the drafters of this legislation recognize that some mandates need not be paid for. They are ideologues of convenience. They do not require we pay for compliance with civil rights and disability laws. But they would compel funding for actions relating to public health and safety, protection of the environment, education of children, medical services to our elderly, safeguards to our workers.

And they would require that we pay only when that burden is imposed on entities of government. Private industry, many of which compete with State and local government in the provision of services, is accorded no relief. And those who work for Government, performing exactly the same services as those in the private sector, are potentially denied such basic protections as minimum wages, worker right to know about hazardous substances, and OSHA protections.

Never mind that the same State and local governments to whose aid we are rushing impose precisely the same unfunded mandates on lower levels of government.

So, I think this clearly demonstrates what is going on here: this is not about unfunded mandates: It is about undermining this Nation's environmental, education, health and labor laws, and wrapping the attack in the flag of unfunded mandates.

The last time we tried this deceptive tactic—cutting away at the basic role of Government in the name of cost savings—we tripled the national debt in 8 years.

But let me take issue with the very name of this concept—unfunded mandates.

Unfunded? Really?

We have spent tens of billions of dollars helping States and local communities meet these mandates by improving water systems, upgrading drinking water supplies, building and improving transportation systems, improving education programs, and on and on.

Have we funded every mandate fully? No. Should the Federal Government have to pay States and local communities to protect their employees, their environment and their public health and safety? Because let's remember: A lot of them were not protecting those people and those resources before the Federal mandates came along.

No, we haven't funded every dollar. But have we covered 50, 75, 90 percent of the cost of many of these projects? Time and time again.

And have we provided these same State and local governments with hundreds of billions of dollars to build, expand and improve highways, rapid transit and harbors and to respond to disasters—even when there was no Federal responsibility to provide a dollar? Have we provided money to assure that communities are safe from nuclear power plants and hazardous waste sites? Have we provided money to educate the handicapped, to train the jobless, and to house tens of millions of Americans?

I have little doubt that those who champion this legislation fully expect that its passage would have no effect on our willingness to fund their future actions in these areas. They are very wrong. Every State and community should be aware that the appetite of the Congress for funding local projects and programs that fail to meet a Federal standard of quality and protection and performance is going to be very minimal, particularly in light of the coming effort for a balanced budget amendment that would slash Federal spending radically.

So I think we should proceed with some caution here. If the States and local communities don't want the mandates, don't expect the Federal dollars either.

I find it somewhat ironic that in my own State of California, for example, the Governor has failed to come up with his promise of matching funds for the $5 billion in Federal disaster aid following last year's Northridge earthquake. Now he wants more Federal money for earthquake assistance; and he will want more still for the flooding, and he'll probably throw in a few billion dollars' worth of dams and other infrastructure from Federal taxpayers.

Yet he is one of the biggest proponents of this unfunded mandates legislation—and the same time that he forces unfunded mandates down the throat of every county and city in California.

We see that kind of hypocrisy in the legislation before us today.

In case you didn't read the fine print, this mandate ban neglects to include the dozens of new unfunded Federal mandates contained in the Republicans' Contract With America. Just the mandates in the welfare bill alone could bring the States to their knees. But all those new mandates are exempted, even though none of them have yet been enacted into law. So much for being honest with the American people.

Let's be very clear what this legislation is going to do to some of the most important laws this Congress has passed and has spent billions of dollars helping States and local communities implement.

Safe drinking water. We have upgraded the water supply across this Nation, virtually eliminating disease, contamination and danger. Much of that has been paid for by Federal dollars. Which local community would like to have taken on that task without Federal assistance? Which Americans want to put the future and the consistency of our safe drinking water at risk through this legislation?

Clean water. You used to be able to smell San Francisco Bay before you could see it. You used to need a battery of shots if you stuck your toe in the Potomac River. The sewage and waste water of 80 million Americans from a score of States flows out of the mouth of the Mississippi River, and for years contaminated the commercial fishing areas. A few years before the Clean Water Act was passed, the Cuyohoga River in Cleveland was burning. Want to go back to those days? You tell me which financially strapped city and State will take on that burden without Federal assistance?

Nuclear safety. Should nuclear power plants and generators of radioactive wastes—which exist in every large city and many small ones—be able to ignore Federal safety standards for operations and waste disposal?

Deadbeat parents. We are collecting hundreds of millions of dollars a year from parents who have ignored their financial responsibilities to their children, thanks to Federal law. Should we just abandon that program?

The list of inequities goes on and on. What happens to reauthorizations of existing laws? What if those reauthorizations are delayed for years by obstructive tactics in Congress. The answer is: We don't know. And the reason we are legislating in the dark here is because this complex bill, which would fundamentally alter the entire nature of Federal-State relations, was drafted in haste, denied public comment and public hearings, and marked up in a haphazard and manipulated process that made thoughtful review all but impossible.

Of course we should examine whether Federal funding of mandates has been adequate? In fact, that process was begun last year by Democratic members of the House.

But let us not rush to pass a deeply flawed, confusing, and deceptive bill, drafted behind closed doors and without adequate public review, a bill that misrepresents not only the need for mandates, but ignores the billions of dollars we have given to State and communities to help meet those mandates.

Mr. DREIER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for the privilege of rising in support of this bill that would put an end to unfunded mandates in this country.

Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise in strong support of this crucial first item in the Contract With America—the Unfunded Mandate Reform Act of 1995.

After taking office just 2 short weeks ago, the Republican majority is bringing a bill to the floor to provide relief to our States and towns suffering from crippling unfunded mandates.

This bill will provide the first step in changing how we think about governing. The truth is Washington does not know best. Many of the towns and villages in upstate New York are nothing like large metropolitan areas. The uniform mandates imposed on these communities are the source of great resentment in my district.

The bill before us will make it extremely difficult for any Congress or any President to force, by rule, regulation or law, unfunded mandates that exceed $50 million on the public sector, and $100 million on the private sector.

The Unfunded Mandate Reform Act before us encourages the entire Federal structure to listen to State and local officials rather than turning a deaf ear and bludgeoning them with new mandates.

H.R. 5 will largely impact the procedures of Government—but what the bill represents is far more significant.

What it does represent is a fundamental shift of power in this country from Washington, DC, to the States—a ''new federalism'' of the sort described by Ronald Reagan.

As that great President once said, ''Today, federalism is one check that is out of balance as the diversity of the States has given way to the uniformity of Washington. Our task is to restore the constitutional symmetry between the central Government and the States and to reestablish the freedom and variety of federalism.''

Mr. Chairman, Ronald Reagan was right then. And it is even more right today. This unfunded mandates bill will restart the Reagan revolution by shrinking the size and power of the Federal Government, getting the Government off the backs and out of the pockets of the American people and allowing our country to prosper.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from El Cajon, CA [Mr. HUNTER].

□ 1410

Mr. HUNTER. I thank my friend for yielding me the time.

Mr. Chairman, so many of those who are against H.R. 5 have talked about regulatory empires as we in Washington would like them to be. I want to tell you about our regulatory empires as they really are.

I have an irrigation district in my district in southern California which waters about 500,000 acres of the Imperial Valley. The EPA discovered it a couple of years ago and they told our irrigation district that although less than one-half of 1 percent of their water goes to domestic users, and those are little ranch houses out in the boondocks, that they were going to have to build between $5,000 and $10,000 systems, filtration systems, for each and every one of those houses or spend up to $100 million building filtration plants in the surrounding communities.

We ultimately had to go to court and the court of appeals in California found that the EPA does not even have jurisdiction in this case.

Our regulatory kingdoms, following human nature, have tried to acquire power, and I would say that the regulations we see today are more about power than they are about safety. Let's pass H.R. 5.

Mr. CONDIT. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PETERSON].

(Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in strong support of H.R. 5.

As a member of the Unfunded Mandates Caucus and a supporter of Representative CONDIT's bill in the last Congress, I rise today in opposition to unfunded Federal mandates and in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This bill is not perfect but it is a good start. Personally, I feel it should be tougher and should completely eliminate the practice of unfunded Federal mandates. Every dollar spent on a Federal mandate is $1 less in local budgets to fight crime, improve education, or provide public services. Just ask the city of Moorhead in my district who was mandated to spend tens of thousands of dollars building sheds to protect sand and road salt from the ice and snow; and spent hundreds of dollars to lower a public urinal less than 1 inch. Mr. Speaker, these are blatantly wasteful mandates my communities have been told to comply with.

We all want clean air, clean water, safe food, and a safe working place; but let's achieve these goals in a sensible way and give our States and communities a voice in the process. Support H.R. 5 and put an end to unfunded Federal mandates.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN]

Mr. TAUZIN. Mr. Chairman, I particularly want to thank my friend the gentleman from California [Mr. CONDIT] who has put in so many hours and so much time as one of our chief leaders in this effort to end unfunded mandates in this Congress and in this land.

It is important to know what this bill does and what it does not do. Let's talk about what it does not do first.

This bill does not end the responsibility of this Congress to pass mandates when they are important for the public health and safety or for other valid public policy reasons in this country. If it is a critical need in this country to stop pollutants from entering the Mississippi River, we have an obligation to pass mandates that that practice end, so that those of us who live at the bottom end are not infected with someone else's garbage. If it is an important and critical item in this Nation's agenda that every schoolchild with a handicap is specially educated in this country, we ought to make that a mandate in this country.

What this bill does not do is prevent us from doing those things. It simply says that when we here in Washington think we know better than the folks back home, so that we are going to mandate those things upon the Nation, we ought to have the courage of our beliefs. We ought to raise the money and we ought to pay for the mandates we produce.

Let me tell you what the bill also does not do contrary to some of the things you have heard up here today. It does not prevent us here in Washington from putting together programs to incentivize the States and localities to do good things that we do not necessarily think ought to be mandated.

We can, for example, put together programs that say if you want to share in a government program at a 50–50 level, a 90–10 level, a 70–30 level, we have got a program here you can participate in if you want to, and these are the conditions of participation. You can do that. We can continue to do that even with this bill passed.

What we cannot do after this bill passes is to say that you must participate, you must do it, and the only way for you to do it is to come up with a 30-percent match or 10-percent match. This bill ought to pass. We ought to have the courage of backing up what we believe with the money to carry it out. That is what ending unfunded mandates will do for America.

Mr. CLINGER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Hampshire [Mr. ZELIFF], a very valued member of the committee and chairman of our Subcommittee on National Security, International Affairs and Criminal Justice.

Mr. ZELIFF. I thank the gentleman for yielding me the time.

Mr. Chairman, I too would like to congratulate Members on both sides of the aisle on this effort.

I support this important legislation to prevent Congress and the Federal bureaucracy from imposing unfunded Federal mandates on both States and local governments.

Unfunded mandates have been a sore point for years with States and local governments. States like New Hampshire have been left saddled with huge costs to carry out Washington's orders or grand ideas.

New Hampshire has 17 Superfund sites, 14 of which are in my district. The average cost is $30 million per site.

The Motor-Voter Act has placed a tremendous financial impact on our State which incidentally has a higher voting percentage than most States in the Nation.

The auto emissions mandate is causing untold misery and creating a financial burden on the people of New Hampshire.

My own State has put its money where its mouth is. It passed a constitutional amendment banning the State from passing unfunded State mandates onto our local towns and communities.

It is time for the Federal Government to follow New Hampshire's example and put its money where its mouth is. It is called accountability, Mr. Chairman. The Federal Government must take responsibility for its actions. We can no longer pass the program and keep the bucks.

What this legislation really does, Mr. Chairman, is to say to us that if we want to pass the program, we must also pass along the bucks to pay for the program.

I urge support of H.R. 5 and hope to see its passage.

Mr. DREIER. Mr. Chairman, I yield 1 minute to a new Member, the gentleman from Alfalfa, OR [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise today as an advocate of the States, my district, and all Americans who have experienced the heavy hand of Federal Government mandates too long.

In the next 5 years alone, unfunded mandates will cost our Nation's counties 12.3 percent of their revenues and nearly $34 billion.

Today, however, we are attempting to turn back the tide of offering legislation that says no more to unfunded mandates.

While I support this bill wholeheartedly, I believe that this is only the first step in a long and trying process of rolling back supposed benefits that the Federal Government has imposed upon the States.

Tomorrow I will be offering amendments intended to strengthen H.R. 5. We all want clean water and we all want clean air and access to the handicapped and so on. However, we must have the responsibility to ask the question, ''At what cost?''

I urge my colleagues to carefully consider and support my amendments. Let's pass this bill and take an important step forward in freeing the States and the people from the heavy hand of the Federal Government.

Mr. BEILENSON. Mr. Chairman, I yield 2 minutes, for purposes of debate only, to the gentleman from Pennsylvania [Mr. FOGLIETTA].

(Mr. FOGLIETTA asked and was given permission to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to this legislation and let me tell you the reasons why.

First, this bill does fundamental damage to the way the Constitution has designed our government. A mandate is a law. Congress was organized to pass laws dealing with national priorities. A no money/no mandate law would handcuff this Congress from doing what it was set up to do.

Second, there are many mandates where it is absolutely appropriate to impose costs on States and cities to meet national priorities. Health and environmental laws are the best example.

Since the governors and the majors are good at telling mandate horror stories, I well share one, too.

Several years ago in my region, the unhealthful, dangerous medical waste from one State was landing on the swimming beaches of the other.

The Congress passed a law to deal with this problem that said to one State, ''You must stop, you must desist, you must clean it up.'' Costs were imposed on the States and this was the right thing to do. The problem was cured. Mandates do work.

Third, it is flat wrong to say that the Federal Government does not pay its share. For Philadelphia, my city, using the calculation developed by the very League of Cities which so vigorously embraces this bill, the Federal Government sends in $18 for every dollar for Federal mandates. That is a pretty good ratio, even in these hard budget times. Thus, we do pay for mandates.

□ 1420

Fifth, I can think of no better example of an overreaching unfunded mandate than the Contract on America. The proposals to balance the budget and gut Federal aid to families with dependent children will send huge mandates back to the States—with no way to pay for them other than by huge State and city tax increases. Maybe that's why this law won't take effect until October, after we have completed considering this Contract on America.

Finally, I wanted to comment on some of the hypocrisy that surrounds so much of this debate. An example comes from one Governor who, with one breath, lectures us on the need for a balanced budget and on the other hand wants to cut taxes in his own State.

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, this is important legislation. It is time we passed it. Local governments that have limited tax bases have a right to resent it when they are imposed upon with mandates that are handed down to them from above, whether by State legislatures or from Congress. I know, I was a county attorney for 12 years before I came here.

The Members who originated this bill, and the reason it is here in the well as the second piece of legislation we consider in this Congress, are the gentleman from California [Mr. CONDIT] and the gentleman from Virginia [Mr. MORAN] who came from local government backgrounds and they know what it is all about.

A core concept of this bill, the Moran bill, is the idea of fiscal impact statements as a heads-up to all of us, including local and State government, when we are about to pass a bill and pass the buck, to make us think twice about what it is going to cost State and local governments before we pass it, and to

give them all a chance to object, demur, and raise questions about it.

Unfortunately, this bill is a different bill from the Moran bill which passed last year and our committee reported and would have brought to the floor soon in this session. It is a different bill, and we have not had time to peruse it, to read it closely. We did not have time because we did not have hearings in our committee.

If Members just peruse the bill they will find there are a lot of questions. Indeed the bill comes here because of railroading it to the floor, studded with question marks and caution flags.

For example, there will be a lot of Members out here as we move into the amendments raising questions not about the core concept, not resisting the bill, who will probably vote for passage like me, raising questions like public-private parity. My State, the State of South Carolina, generates electricity. It is a big power generator. Does this mean that in the future when we pass a renewal of the Clean Air Act that we cannot impose additional emission standards on the States, the generators of electricity, without paying for the scrubbers? And if it does mean that, it will not be long before private utilities will come to South Carolina and say hey, let us transfer to you this operation, you take title to it, we can then avoid these additional requirements.

These are the questions we will be raising to perfect the bill, make it workable legislation, not to defeat it.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

(Mr. BREWSTER asked and was given permission to revise and extend his remarks.)

Mr. BREWSTER. Mr. Chairman, I want to commend my friend, the gentleman from California [Mr. CONDIT] for his leadership on this issue now for almost 4 years. He has taken the strong lead in eliminating unfunded mandates.

I rise today in strong support of H.R. 5, the Unfunded Mandates Reform Act.

As a former State legislator in Oklahoma, I know first hand the devastating effects unfunded Federal mandates have upon State and local governments. Many times when I was in the State legislature, we had to come up with additional funding to pay for these mandates.

Most often, we would have to cut critical funding from education and other State programs to pay for these passed-down Federal regulations.

Not only did we have to pay for these mandates, but we had limited, if any, input into the development of these regulations.

Mr. Chairman, we cannot continue to pass down to our States and local governments the cost of compliance with Federal mandates. I urge my colleagues to vote for relief to our State and local governments by voting for H.R. 5.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to my fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

Mr. DREIER. Mr. Chairman, I too am glad to yield 1 minute to the gentleman from Jacobus, PA, chairman of the Committee on Economic and Educational Opportunities.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 3 minutes.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, first of all I want to thank Chairman W.F. CLINGER from Pennsylvania, for using his large hands to carry this bill to the floor of the House today. This is a bill I have waited for for a long time and worked for a long time. It is very, very similar to the fair bill which was the Goodling-Moran bill 2 years ago with many, many signatures.

Let me tell Members how I got involved in this. When I came to the Congress of the United States I came as a former superintendent of schools. Congress had just sent us legislation were they said you will follow 100 percent of our mandates in relationship to special education of youngsters and we will send you 40 percent of the money. The unfortunate part about it was they did not send 40 percent of the money, they sent 8 percent of the money, which meant I had to come up with from all of the other departments all of the other money to handle this issue.

When I arrived here, the first bill that came to us in my committee was an asbestos removal. If that was the wrong way to construct schools, surely we should be doing something about it. But I said at the time, be sure to allow the school districts to take 1 percent of their Federal funds to do this job, or otherwise they will have no money to do it. And they said no, we will get appropriations. We did not get appropriations, we did not get appropriations for many years, and then got a few pennies later on.

The next bill that then came before us was we should do something about lead. Again, that is something that is very, very important and I said be sure that we send funds for them to do it, because they are now paying for the redoing of the asbestos, because it was done incorrectly the first time. And, no, they said we will get appropriations. Fortunately we were able to slow that process down.

Let me remind Members about two things in this bill. First of all, do not let anyone remove judicial review. If we remove judicial review we then have destroyed the bill. We are just smoke and mirrors, we are just kidding people out there.

Second, I hope my colleague on the committee from California was not saying that somehow or other we were going to do something about the youngsters who are covered under ADA and the youngsters who are covered under IDEA. This bill exempts ADA and IDEA. So do not let anybody sell that issue to you that somehow or other we are going to hurt handicapped and disadvantaged youngsters. That is positively false.

So I ask for Members' support of a bill that is overdue for a long, long time in the Congress of the United States.

Mr. Speaker, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This legislation is similar to fair legislation Congressman JIM MORAN and I introduced in the 103d Congress.

H.R. 5 is a truly bipartisan bill that would make the U.S. Congress more accountable for its actions by curtailing the passage of unfunded Federal mandates.

The mandate madness and the arrogance of some in this institution over the past 20 years has caused States like Pennsylvania and local governments like the city of York, the boroughs of Gettysburg, and Carlisle and townships like Springettsbury in Pennsylvania increased headaches as they try to assess their obligations based upon their incoming tax revenues. Furthermore, unfunded mandates have had a dramatic effect on the private sector.

The idea behind this legislation is simple, the U.S. Congress must become more accountable for its actions which, in some cases, have an adverse effect on States, local governments, and small business.

For example, as a Member of the House Education and Labor Committee, I consistently fought against legislation that would impose burdensome mandates on States, local governments, and small businesses. As chairman of the new Committee on Economic and Educational Opportunities, I will continue to do the same.

In years past, my committee had jurisdiction over legislation to remove lead paint from the Nation's schools. I agreed with the sponsors that this is a high priority and that it should be done. However, the bill did not include provisions to pay for this legislation. It was understood that this legislation would be paid for through the appropriations process. I disagreed with this because I remember not too long ago that we proposed the same for asbestos removal and passed legislation providing for asbestos removal, but did not pass the dollars with the legislation.

I must stress the idea behind H.R. 5 is not to impede legislation, rather it is to force the Congress to seriously consider the impact of any new legislation before the legislation is passed. It is a policy that the Congress must adopt to stop giving lip service to the idea of true reform.

This legislation will improve the legislative process by requiring the CBO to study the impact on State, local governments, and the private sector of legislation reported out of committee for action on the House floor. This legislation would also require agencies, prior to the implementation of any rule or any other major Federal action affecting the economy, to perform an assessment of the economic impact of the proposed rule or action and seek public comment on the assessment. I understand there may be amendments to remove

this provision from the bill. If this bill is weakened by removing judicial review, Members will only be kidding the American public by telling them we are reforming the regulatory process. Without judicial review the regulatory process will not change.

This new requirement is one of the most important changes. Yes, Members of Congress have to become accountable, but so do the regulators. It is important that the regulators who decide how a law would be carried out consider the impacts of their decisions. They too should be fully accountable. Title II would modify the Administrative Procedure Act so that the regulators would have to assess the impacts of their actions on State, local governments, and the private sector. If they choose not to, their actions would be subject to judicial review.

I want to clarify that H.R. 5 has no effect on two important disability laws, the individuals with Disabilities Education Act [IDEA] and the Americans with Disabilities Act [ADA]. In recent weeks, many Members have received phone calls from worried parents that had been told that H.R. 5 would force the repeal of the IDEA and possibly, the ADA. As I described in a ''Dear Colleague'' that I had distributed, these phone calls were based on inaccurate information disseminated by a disability advocacy organization. I would urge Members to read the language of the bill pertaining to exemptions. As the CRS law division has confirmed, both IDEA and the ADA are exempted from coverage under this bill.

I believe this legislation has the key ingredients for passage. It sends the proper signal, and ideal good government mission which makes the Congress more accountable for its actions by studying the impacts of legislation before it is passed. This legislation has bipartisan support of Members in the House. I also believe this bill would signal an end to closed door agency policy decisions which hurt many States, local governments, and the private sector.

I would like to commend House Government Reform and Oversight Chairman BILL CLINGER, Congressman CONDIT, Congressman PORTMAN, and Congressman DAVIS for all their efforts in putting this legislation together. I believe this truly bipartisan legislation is long overdue and will work to see this legislation signed by the President.

Mr. DREIER. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Frederick, MD [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of H.R. 5. This bill is a good start, it is not the full journey, but it is a good start.

The vigorous debate opposing this bill is more than a little interesting since this Congress has for many years exempted itself from essentially all of these mandates. As Members know, the cost of these unfunded Federal mandates is exorbitantly expensive, costing the American taxpayer all of his income between Tax free day, which last year was May 27, and Government free day, which last year was July 10. That is about 6 weeks of his time.

Just one other point I would like to make and that is that the only conscience in this country does not reside here in Washington. States and local jurisdictions are perfectly capable of regulating themselves in terms of their environment, their health and their welfare. They do not need Big Brother here dictating to them.

Mr. BEILENSON. Mr. Chairman, I yield half a minute to the distinguished gentleman from California [Mr. MINETA].

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, in so many areas this bill would make it harder for citizens and property owners to be protected from damaging acts by others. This is a bill which will make it harder, slower, and more costly for all of us to respond in the future to new threats to the public health and safety, no matter how great the consensus that we need to have.

Frankly, from my perspective, this is the wrong direction.

The idea that we should be concerned about unfunded mandates is not wrong. There is a temptation that the Federal Government will deal with its own budget problems by directing other levels of government to meet the public needs the Federal Government no longer can afford to meet.

Yet, we must also look carefully at how this problem has been misrepresented, and how the proposed fix often does not do what it is intended to do.

Many of the mandates we impose are essential to the public health and safety. We require cities to treat the sewage they dump in the river, and we do that for the protection of those who live downstream. We require local government which operate dumps to protect their neighbors from the toxins they allowed to be dumped at their site.

The Constitution itself is an unfunded mandate: we require States to respect the civil rights of our citizens without regard to whether the Federal Government pays the States for the costs they incur in complying with the Constitution.

The issue before us is how we can best respond to the issue of unfunded mandates. Many of us believe that where a mandate is justified to protect the public, we should often take more seriously than we have our Federal responsibility to contribute funding to costs of State and local government in meeting the needs of Americans who are, after all, citizens of State, local and Federal Government.

I have, for example, been a constant advocate for dramatically increased Federal funding for the costs cities bear in meeting Federal standards for treating the sewage they discharge into our rivers.

But what has happened instead is that many of those who now profess to be most concerned about unfunded mandates were those who most sought to reduce the funding to State and local governments to comply with these mandates, such as the sewage treatment requirements of the Clean Water Act.

They now argue that, having succeeded in drastically cutting the funding, we should now cut the mandate on the grounds that not enough funding is being provided.

Unfortunately, the end purpose of this exercise is not to treat our cities and States better, but to treat our citizens worse. Cutting the funding and then cutting the mandate is just a clever way to do what they wanted to do all along, which is remove requirements which protect people and their property from the effects of pollution by others.

As a former mayor myself, I regret that so many of my former colleagues now appear to be making a pact with the devil. Once this bill passes, the next step will be to cut much of the Federal funding which State and local governments get which is not tied to any Federal mandate—the unmandated funding such as the highway program, the transit program, the economic development program, and so on. In the end, cities and States will be worse off for having joined their tormentors.

The specific bill before us today has a number of very significant defects.

Most importantly, it has not been considered in a way which allows for the public to know what it does, to comment on it, and to have their views taken into account. The bill was rammed through the Government Reform and Oversight Committee with no hearings and no subcommittee consideration. The Budget Committee was discharged to prevent it from holding public hearings. The Rules Committee held one brief hearing.

The best way to assure that a bill contains mistakes and unintended consequences is to ram it through without opportunity for public scrutiny or comment.

The title of this bill should be changed to ''The Law of Unintended Consequences.'' After it is enacted, we will be discovering for years to come what it really does, and many of those surprises will not be pleasant.

For example, the way this bill is written, it would not only create a point of order against any bill which creates a new requirement on State or local government to protect the public if the costs of complying are not paid by the Federal Government, it would also create a point of order against most bills getting Government out of regulating the marketplace of most industries. This bill is described as reducing the intrusiveness of Government—but in the key area of economic regulation it would have the unintended consequence of doing exactly the opposite: making it more difficult to pass bills which reduce the intrusiveness of Government into the marketplace. If H.R. 5 had been law, a point of order would have been sustained against the Intrastate Trucking Deregulation Act we passed last year, against the railroad deregulation provisions of the 4R Act, and against pipeline deregulation legislation.

That is not what anyone intended this bill to do, but nevertheless that is exactly what the bill does. It is a mistake, and I will offer an amendment to correct that mistake.

This bill would make it far more cumbersome and time-consuming to put new airline safety and security measures in place. That is a mistake and it should be corrected.

In so many areas, this bill would make it harder for citizens and property owners to be protected from damaging acts by others.

The bottom line is, this bill would do two things.

First it would make government not leaner and more efficient, but slow and clumsy and inefficient, much more tied up in bureaucracy

as thousands of decisions, no matter how obvious, get wound up in piles of new bureaucratic analysis and reanalysis, whether needed or not. The bill increases spending on bureaucracy by $4.5 million per year, just to handle the increased paperwork which will result at the Congressional Budget Office. And the increased paperwork at CBO will be a drop in the bucket compared to the increased paperwork in the rest of Government. This bill should be called the Red-Tape and Bloated Government Act.

Second, it will make it more difficult for Congress to respond to real public needs in the future. A few years ago we lost an airliner over Lockerbie, Scotland, and the terrorism threat soared, both at home and abroad. We acted in Congress with a bill to require Federal agencies, airlines, and airports to promptly strengthen security. That bill, the Aviation Security Improvement Act of 1990, would be counted by H.R. 5 as creating an unfunded mandate. As a result, the 1990 Security Act would have been subject to a point of order, it would have been subjected to additional floor procedures, and it would have been subject to considerable delay while CBO and other congressional staffs prepared elaborate new analyses and estimates, even though we would all know that the bill needed to be passed.

This is a bill which will make it harder, slower, and more costly for us to respond in the future to new threats to the public health and safety, no matter how great the consensus that we need to act.

This is the wrong direction.

We ought to be transforming Government with the idea of making it as small as possible while still being able to address the public's real needs. Instead, we are making it bigger, slower, and clumsier, while also making it less able to meet the public's real needs. We've got it backwards.

This is the classic case of those who argue that Government can't work making sure that it won't work.

We may adopt amendments which make this bill a little better, or amendments which make it a little worse. But what we should be doing is starting over, thinking more carefully about the problem of unfunded mandates, how we got here, what needs fixing and how best to fix it, give all those involved a chance to come in and be heard, and then we should proceed with the greater certainty that we know what we are doing.

Instead, we are running blindly down the wrong path.

□ 1430

Mr. BEILENSON. Mr. Chairman, for purposes of debate, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman and Members, I rise in strong opposition to this legislation.

I think it is predicated on a false assumption, and that is one of confrontation rather than cooperation.

So often I think that the Federal Government, specifically the Congress, has become really criticized in a sense unfairly for the advancement of Federal and national policies that are in the public interest. I look at the suggested unfunded mandates and the cooperation that has occurred. So often, I think we are doing this to eliminate bureaucracy duplication.

The Minnesota Pollution Control Agency, indeed, carries out the responsibilities of the EPA within our State. It is more often a cooperative relationship rather than one of confrontation.

But the advocates of this have worked themselves into, I think, a false assumption and results. The upshot of this, I guess, looking at what the costs are of policies we passed, I thought was always something we were supposed to do. I have no objection or no criticism of that. I think we ought to look at it.

Very often, though, looking at the legislation and the application of it makes this policy far worse. For instance, very often the dollars that we pass are grants in aid. That is what the highway programs are. That is what many of our programs are, grants in aid. They are grants that carry along a specific type of Federal requirement. If you do not want the dollars, you do not take the grant.

The legislation is not clear how that would apply in terms of the mandates. I understand some of the mandates, where there is not the choice, we are talking about civil rights, we are talking about human rights and other issues, of course, there is the implication here that is not covered. Unfortunately, it is not clear to me and to many other Members of the House today.

I think it is a good idea probably to do the assessment. It is not clear what the impact of this legislation would be.

An an example, most of the Governors Association have been running around complaining about the crumb rubber problem. The crumb rubber problem, we used to have a solution to that in the Midwest. Someone had a dump of tires. They had a gallon of fuel oil and a match, and they solved the problem rather than putting it into roads.

Mr. CONDIT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. STENHOLM].

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, over the last several decades it has become far too easy for the Federal Government to take credit for programs without having to foot the bill. Although many of these programs have had worthy goals, it has been irresponsible for us to set the priorities and expect State and local governments, school boards, and private businesses to raise their taxes or curtail their services to pay for programs we impose, particularly when our mandates have not made sense.

Now, the people are speaking, and today we have the opportunity by passing H.R. 5 to say we are hearing you.

I can think of no better example of what I am talking about than Brownwood, TX, a community in my district. When the people of Brownwood received their water and sewer bills, the exact amount of the bill which is due to Federal unfunded mandates is noted. In the copies that I insert in the RECORD today, that amount typically is 40 percent of the total: $264.91, $103.31 unfunded Federal mandates; $46.54, $18.15 unfunded mandates. And then when you have a note, ''Please understand this is killing the little people''; people living on fixed incomes who have to pay what their local leaders are saying do not make sense is what this is all about today.

I can list Mineral Wells, TX, $300,000 the school board had to pay for purposes of removing asbestos from the school when the best science available was telling us you are going to make the problem worse not better.

These are the reasons why we are here today.

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the ranking member of the full committee.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, as example of bad procedure, we are asked to consider a bill that nobody in this Chamber knows, those consequences cannot be prophesied, because no hearings have been held.

What is this bill going to affect? It is going to affect the clean air laws, going to affect the clean water laws, going to affect the drinking water laws, going to affect every environmental statute, going to affect all the health and welfare statutes of this country.

Now, everybody would think that these poor unfortunate State and local governments have not gotten any money from the Federal Government. Look at the amount of money that the Federal Government gives to State and local units of government, something like $750 billion a year. We give them that.

Now, what is this going to do? It is going to make it harder to have real meaningful standards on clean air, on drinking water.

I sent to my good friend, the gentleman from California, as he knows, a copy of his remarks on the Clean Air Act in which he urged that we pass that legislation. I warned him it went too far. It is the law now.

It protects people in one State from the behavior of people in another, and the Drinking Water Act, if you live in New Orleans and somebody flushes the toilet in Minneapolis or Kansas City or in Sioux City or any other place upstream, they are going to enjoy what you had for dinner last night within a matter of a few weeks.

That is the reason we have a Federal law to deal with these problems that cannot be dealt with by the States.

Now, beyond that, there are a few other little concerns we ought to have here. States cannot protect their constituents and their citizens from the

misbehavior in other States. That is again why we pass these laws.

The Governors demanded it years ago when we first considered the Clean Air Act and we first considered the Clean Water Act, that we passed Federal standards and allow the States to enforce them, and the money to enforce those programs was canceled by the administration of Mr. Reagan, the patrol saint of this side of the aisle.

Mr. DREIER. Mr. Chairman, I yield myself 30 seconds to respond to my very good friend, the gentleman from Michigan [Mr. DINGELL], who did in fact include a statement that I made on May 24, in support of the Clean Air Act.

Nothing in this legislation dealing with unfunded mandates would repeal any of those items to which the gentleman from Michigan [Mr. DINGELL] has referred.

The fact of the matter is we are simply saying there should be accountability, and we should know what these things are going to cost. We do not have a goal of eliminating clean air standards. What we want to do is we want to be accountable for the cost of making sure that they happen.

Mr. Chairman, I yield 1 minute to my very good friend, the gentleman from Peterborough, NH [Mr. BASS].

Mr. BASS. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, 10 years ago this year the New Hampshire Constitutional Convention passed a resolution which, in effect, prohibited unfunded State mandates. The people of New Hampshire approved that resolution in the fall of 1984.

It reads as follows, ''The State shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the State or unless such programs or responsibilities are approved for funding by a vote of the local legislative body or political subdivision.''

Mr. Chairman, what this resolution did was to impose for the first time in New Hampshire history real discipline on the legislature. It is high time that we impose that type of discipline here in Congress.

I urge support for H.R. 5.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

(Mr. BEREUTER asked and was given permission to extend his remarks.)

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 5, the Unfunded Mandate Reform Act. As a cosponsor of H.R. 5, this Member is pleased to see this important legislation receive such prompt consideration on the House Floor.

This Member commends the distinguished gentleman from Pennsylvania [Mr. CLINGER], the distinguished gentleman from Ohio [Mr. PORTMAN], the distinguished gentleman from California [Mr. CONDIT], and the distinguished gentleman from Virginia [Mr. DAVIS] for their introduction of this legislation.

Mr. Chairman, in recent decades Congress has dramatically increased the number of mandates it has imposed on States and local governments without providing adequate funding to fulfill the requirements. In other words, while Congress has passed the buck, it hasn't forwarded the bucks.

When I was first the community affairs director, Federal-State relations coordinator, and then State planning director for my home State in the late 1960's, on a daily basis I saw vivid examples of the senselessness and cost of a great many unfunded mandates visited upon local and State government, and I did what I could to push for reforms and changes. Since then the number of mandates and their costs and negative impacts have only increased, both by actions of an unheeding Congress and by the inflexibility and policymaking excesses of Federal bureaucrats.

Although there are numerous examples of burdensome unfunded mandates, this Member would like to highlight one that is particularly onerous for States and communities across the Nation. The statutory language of the Safe Drinking Water Act creates a one-size-fits-all national approach to testing and treating drinking water without taking local conditions into consideration.

Many of the current Safe Drinking Water Act testing and treatment requirements result in prohibitive costs without any real health benefit or increase in water quality. As a result, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. Some small communities expect to spend a third or even half of their budgets to comply with water testing requirements. It is clear that States and communities must be allowed to identify and focus on those contaminants which present an actual health risk in a particular area.

Without question, the safety of this nation's drinking water must be vigorously protected. However, it is essential that Congress allow States and local governments to achieve this goal in effective and efficient manner.

In addition to the growing problem with unfunded mandates. this Member also wishes to express his long-standing and continuing concern about the related issue of attaching strings to money to States from Federal trust funds, such as the highway trust fund. For instance, the surface transportation bill, which was signed into law in 1991, requires a State to spend a percentage of its Federal highway funds for highway safety programs if it, for example, has not enacted both a motorcycle helmet law and a safety belt use law.

Worthy objectives aside, this Member strongly opposes this mandate approach in limiting the States' ability to use their highway trust funds—paid for at the gasoline pumps by their citizens and by all Americans—as they choose for authorized activities and in accordance with legitimate standards, criteria, or regulations. Highway users in each State have paid into this fund through gas taxes and this Member believes that States should be allocated money from the highway trust funds without conditionally being applied for any legislative or bureaucratic objectives—be they noble or misguided.

Mr. Chairman, H.R. 5 forces Congress to consider the consequences of its actions and take greater responsibility for the laws it passes. This Member urges his colleagues to support this legislation as a necessary response to the menacing trend toward imposing unfunded mandates on States and local governments and the types of regulations we are levying on our localities.

□ 1440

Mr. BEILENSON. Mr. Chairman, I yield myself the balance of our time.

(Mr. BEILENSON asked and was given permission to revise and extend his remarks.)

Mr. BEILENSON. Mr. Chairman, I rise in opposition to H.R. 5.

Mr. Chairman, the issue of unfunded Federal mandates is one that needs to be addressed, and the Republican leadership deserves credit for making this issue a priority. President Clinton, too, deserves credit for addressing this issue. He issued an Executive order 2 years ago, shortly after taking office, that required Federal agencies to consult with State and local officials to assess the effects of regulations, including the cost of implementing them.

I am sure that most of us are in agreement with the fundamental objectives of this bill, which are to be better informed about and be more accountable for the costs that we are imposing on State and local governments as well as on the private sector when we act on legislation that has that effect. We are all aware that such unfunded Federal mandates have become a real and a serious problem for these governments, and we are eager to respond to that concern.

So I say again the Republican leadership is to be commended for giving this issue the attention it deserves here in the Congress. Frankly, our own party leadership in the last Congress was remiss, in my opinion and in the opinion of some of our colleagues on the Democratic side, in not moving legislation on this issue. Many of us regret that that was the case.

This legislation proposes several very constructive ways of focusing attention on the burden of unfunded mandates. I shall not enumerate them at this point.

Unfortunately, the bill does much more. Among those things is that it establishes a new rule which prohibits the House from considering legislation that contains an unfunded mandate on State and local governments of over $50 million annually. That is an average of only $1 million per State, and obviously could affect a very large number

of bills that would come before Congress in the very near future.

In effect, the bill could, in fact, stop Congress from considering any number of environmental, health, and safety bills, the Federal activities that appear to be the principal target or concern of this legislation, despite the fact that legislation in these areas, such as anti-pollution laws and employee safety and benefit laws, are overwhelmingly supported by most Americans.

Many of us are concerned that similar legislation would be extremely difficult to enact in the future if this bill becomes law.

We are concerned that passage of this legislation will result in requiring the Federal Government to shoulder the full cost of addressing State and local pollution, health, or safety problems. We are concerned that sensible and equitable cost-sharing will be impossible to enact in the future. We are concerned this bill does not include the value of the benefits of a proposed mandate in determining the cost of an unfunded mandate. A drinking water standard, for example, may lead to a reduction of mortality and morbidity that saves lives and reduces medical costs. Looking only at the cost side of the equation ignores the one reason Government has for existing—to produce benefits for its citizens.

Finally, we are concerned that H.R. 5 also ignores the direct economic benefits mentioned just a moment or two ago by the gentleman from Michigan [Mr. DINGELL] which are enjoyed by local governments and the private sector from Federal spending and activities. Federal resources, including land, are often provided to businesses and governments at rates below full market value. Furthermore, both governments and the private sector benefit from tax expenditures under existing law. Any unfunded mandates legislation should take these benefits into account when we estimate the overall burden of Federal mandates.

So, Mr. Chairman, if I may say so, this legislation is well intended. It is also at this point very imperfect. It needs a lot of work before it should be passed, and I hope very seriously that Members will take seriously the amendments proposed before us in the next few days, and not vote for this legislation unless we, in effect, make it very much better than it currently is.

Mr. Chairman, I rise in opposition to H.R. 5.

The issue of unfunded Federal mandates is one that needs to be addressed, and the Republican leadership deserves credit for making this issue a priority. President Clinton, too, deserves credit for addressing this issue; he issued an Executive order 2 years ago—shortly after taking office—requiring Federal agencies to consult with State and local officials to assess the effects of regulations, including the cost of implementing them.

I am sure that most of us are in agreement with the fundamental objective of this bill, which is to be better informed about, and more accountable for, the costs we are imposing on State and local governments, as well as the private sector, when we act on legislation that has that effect. We are all aware that such unfunded Federal mandates have become a real and serious problem for State and local governments, and we are eager to respond to that concern.

So, the Republican leadership is to be commended for giving the issue of unfunded Federal mandates the attention it deserves here in Congress. Frankly, our own party leadership in the last Congress was remiss in its responsibilities, by not moving legislation on this issue, and many of us regret that was the case.

This legislation proposes several very constructive ways of focusing attention on the burden of unfunded mandates: by requiring Federal agencies to prepare cost/benefit analyses of regulations expected to have a cost to states or the private sector of $100 million or more; by requiring agencies to consult with State and local officials in the development of significant regulatory proposals; by establishing a commission to study and report on existing Federal mandates; and by requiring the Congressional Budget Office to produce cost estimates on authorizing bills which contain mandates with an annual impact of at least $50 million on State and local governments or $100 million on the private sector, and by requiring that information to be contained in committee reports.

All of those provisions will help achieve a goal I believe we all share, to be better informed about the impact on State and local governments, as well as the private sector, of laws Congress enacted in the past, and of legislation we will be considering.

These provisions will help make us a more responsible and responsive legislative body, help ease the impact of national laws on other levels of government, and strengthen and improve the relationship between the Federal Government and our counterparts at the State and local level.

Unfortunately, however, this bill does much more than simply provide us with information about the costs of actions on State and local governments. It establishes a new rule which prohibits the House from considering legislation that contains an unfunded mandate on State and local governments of over $50 million annually. That is an average of only $1 million per State and, obviously, could affect a very large number of bills that will come before Congress in the near future.

In effect, the bill could stop Congress from considering any number of environmental, health, and safety bills—the Federal activities that appear to be the principal target, or concern, of this legislation—despite the fact that legislation in these areas, such as antipollution laws and employee safety and benefit laws, are overwhelmingly supported by most Americans.

Many of us are concerned that similar legislation will be extremely difficult to enact in the future, if this bill becomes law. We are concerned that passage of this legislation will result in requiring the Federal Government to shoulder the full cost of addressing State, and local pollution, health, or safety problems. We are concerned that sensible and equitable cost-sharing will be impossible to enact in the future. We are concerned that H.R. 5 does not include the value of the benefits of a proposed mandate in determining the cost of an unfunded mandate. A drinking water standard, for example, may lead to a reduction of mortality and morbidity that saves lives and reduces medical costs. Looking only at the cost side of the equation ignores the only reason government has for existing—to produce benefits for citizens.

And, we are concerned that H.R. 5 also ignores the direct economic benefits enjoyed by local governments and the private sector from Federal spending and activity. Federal resources, including land, are often provided to businesses and governments at rates below full market value. Furthermore, both governments and the private sector benefit from tax expenditures under existing law. Any unfunded mandates legislation should take these benefits into account when estimating the overall burden of Federal mandates.

Although it is true that the prohibition could be waived by a majority vote, a majority has to agree to break the House's rules to consider the bill. Since most of us take our rules seriously, it will be an uphill battle to persuade a majority to waive the rule against considering legislation containing an unfunded mandate, whatever the merit of the bill. It will make it harder to pass legislation to address problems we face now, as well as those that will emerge in the future. That, clearly, is the intent of some of the supporters of the bill.

Had this rule been in effect during the last 20 or 30 years, it seems unlikely that we would have been able to pass laws which have cleaned up our lakes, rivers, and coasts; made our drinking water safe; protected our air from more serious pollution; reduced the exposure of children to asbestos and lead, or any number of other laws which have vastly improved life for Americans, but which we tend to take for granted.

Moreover, because of the unusual procedure in which the waiver of this rule is provided for, a waiver could be debated and voted on before Members know whether in fact an unfunded mandate exists and, if so, how much it costs. Those two matters would not be ruled upon by the presiding officer until the House decided whether it wanted to waive its rules or not. How are Members to decide whether or not they want to allow an unfunded mandate if they do not know that it is such, or what it will cost?

This is a procedure which will unnecessarily tie up the legislative process and impinge upon our ability to act in response to national needs and concerns. The authors of the legislation have acknowledged this themselves by exempting from coverage several categories of laws which could be considered unfunded mandates: those which protect civil and Constitutional rights; which are used to determine whether States and local governments are using Federal money as intended; which provide for emergency assistance, or which are necessary for national security. They have also exempted appropriations bills, fearing that such a requirement will delay action on those bills, and they have postponed the effective date until October 1, well after action on the Contract With America bills is expected to be completed.

The prohibition on unfunded mandates could well have unintended consequences. It is unlikely that the sponsors wanted to give public-sector transit companies or waste-disposal agencies a competitive advantage over their private-sector counterparts, but this legislation could lead to exempting public operations from laws which cover private operations. Should that happen, it might well hinder efforts to privatize Government operations that could be run more efficiently by the private sector.

The rule also creates a very difficult situation for the House by putting us in a position where we may not be able to obtain the information we need to make a determination about whether we are violating a House rule. There is no clear definition of an unfunded Federal mandate, and we do not have a system in place to determine a mandate's cost.

We have a very capable Congressional Budget Office which will be charged with determining the cost of an unfunded mandate, but that agency currently has neither the resources nor the methodology they need to make accurate assessments about the cost of a unfunded mandate to State and local governments—and to the private sector, which they must also figure out how to do. The process of determining these costs is very complicated and time-consuming, and is based on a lot of guesswork. CBO ought to have some experience producing the estimates we want on unfunded mandates before we prohibit legislation on the basis of those estimates.

Mr. Chairman, there are some valuable provisions in this legislation, and I think that with a little more work and a little bit of compromise, we could come together in a bipartisan way on a bill which fulfills the objective we all want: more information and accountability on the impact of existing and future unfunded Federal mandates. I regret that we are not able to do that.

Unfortunately, for all the reasons I have just mentioned, and because of all the many, and important, questions being raised about this legislation for which there are no satisfactory answers, I oppose this legislation, and I urge my colleagues to do likewise.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PETE GEREN], who is one of the leaders in this effort.

Mr. PETE GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, over the next 10 days this House will consider and, I believe will pass, two of the most significant legislative initiatives to come before Congress in decades, two initiatives that will radically alter for the better the way Washington conducts it business: the balanced budget amendment; and the Unfunded Mandate Reform Act, H.R. 5.

Before us now is H.R. 5, the mandate bill, historic legislation that will put a halt to unfunded mandates that Washington dictates to State and local governments all across America.

Through these mandates, Washington is substituting its overbearing will for the rights and decisions of cities and local governments in their struggle to meet local challenges.

Mr. Chairman, there is no issue that better illustrates the arrogance and disconnect of Washington than does the proliferation of unfunded mandates. This must stop, and H.R. 5 will do that.

In simple terms, by adopting H.R. 5, we are saying that if a mandate is important enough to pass, it is important enough to pay for.

Despite what you will hear in the next few days, H.R. 5 will not block government from protecting the health and welfare of the American people. That is simply not true. This bill merely tells Congress, ''Put your money where your mouth is.'' More importantly, this bill reaffirms our respect for one of the founding principles of our country, the principle that the true genius of this country lies at the grassroots, in the diverse heartland of America, among 260 million freedom-loving Americans, and not in Washington, DC.

In closing, let me give credit where credit is due. ''Defeat is an orphan, while victory has a thousand fathers.'' Many people worked very hard on this issue, and without them we would not be here today. But the efforts of one person stands above all others, those of Congressman GARY CONDIT.

Mr. Chairman, there is an old country song that goes, ''I was country when country wasn't cool,'' Well, GARY CONDIT was fighting for unfunded mandates when it wasn't cool an when no one else was. For that, we and the American people all owe Mr. CONDIT a debt of gratitude.

Mr. Chairman, Washington holds no monopoly on courage, on wisdom, or on conscience. I urge all my colleagues to demonstrate their faith in the American people and support H.R. 5.

Mr. CLINGER. Mr. Chairman, I am now pleased to yield 2 minutes to a senior and very valued member of the Committee on Government Reform and Oversight, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have waited 7 years to have the opportunity to vote and to speak on an unfunded mandate bill. I just have to thank the authors of this legislation, Mr. CLINGER, Mr. PORTMAN, Mr. CONDIT, for their work over a number of years. Mr. DAVIS, who was here earlier. I thank them for the opportunity to vote on this bill, one I really believe in.

Mr. Chairman, why is it that Republican and Democrat governors throughout the country want this bill? Why is it that Republican and Democrat mayors want this bill? Why is it that our county executives throughout this country, Republicans and Democrat, want this bill? And a few in this Chamber do not? I do not understand it.

To me, it is extraordinarily fair.

My concept of an unfunded mandate bill did not reach the status of Mr. CONDIT, I thought. I thought at least knowledge to the private sector of what it was going to cost, knowledge to the public sector of what is was going to cost, was tremendously important for us to know when we voted out a bill; something that we have not had in the past. Mr. CONDIT wanted the most extreme deal, and you could make an argument for it. If you do not come up with the money, you do not have the mandate. This to me is a logical compromise between the two positions. Obviously, there are times for health reasons, for environmental reasons, that we have to mandate. But when we do, we had better be very conscious of that mandate. We need to know the cost, and we should come up with the money if we have a mandate, unless there are reasons not to.

If those cases, a point of order can come up if there is not the money or is not the disclosure. A Member can stand up and say, ''I make a motion to override the point of order,'' with a simple majority. Now, why would I want that here? For some of the reasons I am hearing on this side. It would be a conscious effort and an important one. I do not want New York City to pollute Long Island Sound. I do not have the ability in Connecticut to tell New York simply to stop. I do have the ability to come to the Federal Government and ask the Federal Government to tell New York to stop—no offense made to New York. Obviously, if New Jersey is polluting the air that comes into Connecticut, I want the ability under those cases, extraordinary cases, to override the point of order.

□ 1450

This is a very fair proposal. It is logical. I do not understand the objection to this legislation because of its fairness. I salute Democrats and Republicans for writing an extraordinarily fine bill.

Mr. DREIER. Mr. Chairman, I yield 1½ minutes to the gentleman from Springfield, OH [Mr. HOBSON].

(Mr. HOBSON asked and was given permission to revise and extend his remarks.)

Mr. HOBSON. Congratulations to all the sponsors of this most needed piece of legislation. The budgets of State and local governments have long been devastated by regulations and laws handed down from Congress without the funds to pay for them.

As a former State senator, I experienced firsthand the impact of these unfunded mandates when the priorities of Congress have superseded the budget priorities of Ohio. By 1998, cities and counties throughout my State will face

even greater burdens when unfunded mandates consume one-quarter of all local revenues.

Governor Voinovich of Ohio has dedicated the last 2 years to passing comprehensive mandate relief legislation as the National Governors Association's lead governor on federalism. His study of the impact of unfunded mandates concluded that mandates will cost Ohio $1.7 billion over 3 years.

Finally, to the great relief of States across the country, the new Republican leadership in Congress is determined to abolish these mandates with their friends on the other side of the aisle. As part of the Contract With America, the Unfunded Federal Mandate Reform Act will make Members of Congress accountable for supporting mandates. The passage of this legislation will be the first step to dramatically altering the relationship between Washington and local officials. More importantly, it will be a step toward honoring the tenth amendment of the constitution. Essentially power should be given back to where it belongs, to the people and their State governments.

Mr. TOWNS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine [Mr. BALDACCI].

(Mr. BALDACCI asked and was given permission to revise and extend his remarks.)

Mr. BALDACCI. Mr. Chairman, Members of the House, I just want to speak in support of this legislation as a check on Congress as it conducts its business. It will provide reassurances to States and municipalities that, as we continue to make the difficult decisions required to get the Federal fiscal house in order, we will not do so by shifting those costs to States and municipalities. The American people should know that this legislation will not result in the rolling back of important laws and regulations that have made the air cleaner and the water to drink clearer, and I would just like to add my support to this particular legislation.

Mr. Chairman, as a former city councilor, State legislator and most importantly, as a small businessperson, I am concerned about the way in which the Federal Government has historically handled its fiscal responsibilities. Our staggering national debt and enormous annual deficits are alarming to me, and should be to all Americans. I think it is obvious that the Federal Government must get its fiscal house in order, and that process must begin today. As a new Member of Congress, I am determined to help ensure that this happens.

For more than 20 years, I have helped to manage my family's restaurant in Bangor, ME. I know how hard it is to make ends meet and to produce a balanced budget. For 4 years, I served on the Bangor City Council. Each year, we were the recipients of unfunded mandates. But each year, we were required to adopt a balanced budget. This was never an easy task, and difficult decisions had to be made. For 12 years, I served in the Maine State Senate. Again, every year we faced unfunded Federal mandates, but were required to adopt a balanced budget. Again, it was not an easy task and difficult decisions had to be made.

The American people have watched their State and local officials make tough choices and balance budgets. They are now demanding—and rightly so—that their Federal representatives do the same thing.

The question, of course, is how to achieve this goal. Many solutions have been proposed, some serious, some gimmicks. I am committed to supporting and working to enact proposals that cut Federal spending in a sensible way, without shifting those spending burdens to other segments of our society.

My support for cutting spending without shifting burdens to other segments of society is also why I support unfunded mandates reform. For too long, the Federal Government has enacted legislation setting standards that State and local governments must meet, without providing the money to achieve those standards.

This practice is partially responsible for the high State and local taxes many Americans now pay, and for the lack of funding available to pay for local priorities. This practice is irresponsible, and it must stop. If the Federal Government ceases passing off costs to States and municipalities, States and municipalities in turn will be able to slow the upward spiral of tax rates. Perhaps more importantly, these levels of government will be able to redirect resources that have been used to answer Federal mandates to instead address local priorities.

As a State legislator in Maine, I lived with a similar law. Article IX, section 21 of the Maine Constitution prohibits the State from imposing unfunded mandates on localities unless members of each house of the legislature voted to do so. That provision, like the legislation we are considering today, does not prohibit an unfunded mandate from being enacted. Rather, it requires informed consideration and making an explicit decision to pass costs along to another segment of society. It brings with it accountability.

Historically, the Federal Government has not considered in an organized, honest way the costs associated with various regulatory and legislative mandates that have been imposed on the States. Unfunded mandates reform will force us to do that. It will ensure that all Members have the opportunity to examine the fiscal implications legislation has for States and localities. It will ensure that we do not unwittingly, or covertly, pass along significant costs because it will require a point of order against legislation that does so.

It is only fair that Congress take responsibility in this way. I have seen this concept work at the State level, and I believe it can work at the Federal level as well.

I want to emphasize what it is that I do not support. Let me be clear: I do not favor the wholesale elimination of Federal laws. Many issues are national in scope, and will require attention and action at the Federal level. I simply believe that the Federal Government should stop passing off costs to other governmental entities.

Many of the laws about which the loudest complaints are heard are based on sound and just policy. We need to protect our environment and our precious natural resources. We need to protect the health and safety of America's workers. We need to provide safety nets for our Nation's neediest citizens and access to all aspects of life for persons with disabilities.

These are all important national objectives that have been previously addressed at the Federal level, and I will oppose any effort to eliminate these programs or to roll back the progress we have made in these areas.

The Federal Government has a responsibility to ensure that national goals are met by providing a much larger share of the resources necessary to do the job. To do so and, at the same time, to balance the Federal budget—paying down our national debt—requires making tough choices.

We must reduce Federal spending. But we must do so in a rational, carefully considered way. Our cause is not advanced by recklessly eliminating valuable Federal programs simply for the sake of slashing spending.

The legislation that is before us today is far from perfect. As we consider amendments over the next several days, I will support those that I believe clarify the bill's essential purposes: to establish the general rule that Congress should not impose Federal mandates without providing adequate funds to comply with such mandates.

This legislation will serve as a check on the Congress as it conducts it business. It will provide reassurance to States and municipalities that as we begin to make the difficult decisions required to get the Federal fiscal house in order, we won't do so by simply shifting costs to other levels of government. And the American people should know that this legislation will not result in the rolling back of important laws and regulations that have made the air they breathe cleaner; the water they drink clearer; their work environment safer; or their local library more accessible.

For more than 20 years, as a small businessman and a public servant, I have helped to craft and have supported balanced budgets. I am prepared to make the difficult—and sometimes unpopular—decisions required to balance the Federal budget. I am prepared to spend the next 2 years fighting to make sure that Maine people are well-served by an efficient, compassionate and stream-lined Federal Government that does not adopt policies that raise our income taxes; by a Federal Government that has its fiscal house in order.

The people of Maine have entrusted me with their confidence, and I intend to live up to their expectations. We face many challenges ahead, but working together I know we shall succeed.

Mr. DREIER. Mr. Chairman, I yield 2½ minutes to the gentleman from Lewisville, TX [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Chairman, 2 days ago we passed the Congressional Accountability Act making Congress obey the same laws it imposes on everyone else. Next week we will pass, in a bipartisan fashion, the Unfunded Mandates Reform Act, which will effectively make Congress pay for the laws it imposes on everyone else. Together these two bills express the goals that inspire our entire Contract With America, the goals of reform, respect, and renewal; reform of this institution and of the way we conduct the people's business, respect for

the people who sent us here, and renewal of the Federal system of government bequeathed to us by our Founding Fathers. For too long Congress behaved as if it was booted and spurred to run roughshod over States and private citizens. Well, if our Contract With America was about anything, it is about teaching government, in the memorable words of President Reagan, to work with us, not over us; to stand by our side, not ride on our back.

Think of it. If we pass this bill, we will be doing the most surprising thing imaginable, limiting our own power. I ask my colleagues, ''How often do you read a headline that says, 'Congress denied itself today'? Or 'Our lawmakers exercised self-control?'' True leadership is knowing when to say no to yourself for the common good.

No matter how appealing the cause, no matter how tempting the mandate, we must be willing to exercise our legislative authority only when we are willing to pay the costs. Now we can make some reasonable exceptions of course for emergencies, for national security, for constitutional rights. These are proper exceptions to the rule. But these exceptions only prove the soundness of the rule, and that rule is Federal requirements should be paid for with Federal dollars.

This is not just good government. It is the right thing to do. It reflects a sound, moral principle the Founding Fathers took for granted.

Mr. Chairman, it is time that all of us that are blessed to serve in this historic building raise our right hands and solemnly proclaim:

''Henceforth we shall burden the States with unfunded mandates no more forever.''

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

(Mr. LAZIO asked and was given permission to revise and extend his remarks.)

Mr. LAZIO. Mr. Chairman, I am proud to be a cosponsor of H.R. 5, the Unfunded Mandate Reform Act.

Having entered Congress a little over 2 years ago from a background as a county legislator, the issue of unfunded mandates is something with which I am very familiar.

Many of my constituents, however, might not realize the adverse effect unfunded mandates have had on their pocketbooks. Considering they pay some of the highest taxes in the county, they should know that their tax burden is not entirely the fault of State and local governments. Much of it can be blamed on past action by Congress.

Passage of H.R. 5 will force Congress to be responsible in its actions. It will force us to make judgments on legislation with full knowledge of the burden it will place on State and local governments. Introducing honesty and full disclosure will then require us to ask the question: Will we pay for out mandates, or will we continue to burden others with the costs?

This is a historic day in the House. At a time when we are asking everyone to make do with less from the Federal Government, we should not mandate them to do more. H.R. 5 will change the way we do business. It will make Congress accountable for the legislation it passes and require honesty when we legislate. This is what the people want, and the country will be better because of it.

Mr. Chairman, I am proud to be a cosponsor of the bill we are debating today—H.R. 5, the Unfunded Mandate Reform Act.

Having entered Congress 2 years ago from a background as a county legislator, the issue of unfunded mandates is something with which I am very familiar. Little did I know that a mere 2 years into my tenure, I could offer genuine relief to my former colleagues. I think the Unfunded Mandates Caucus can be proud of what we have accomplished in our short 2-year history.

Passage of H.R. 5 will force Congress to be responsible in its actions. It will force us to make judgments on legislation with full knowledge of the burden it will place on State and local governments. Introducing honesty and full disclosure will require us to ask the question: Will we pay for our mandates, or will we continue to burden others with the costs?

H.R. 5 will not mean the end to environmental legislation, it will not mean the end to civil rights legislation, and it will not mean the end to legislation to protect seniors and children. H.R. 5 will still allow us to pass these initiatives. However, we will just have to stop and consider all of the consequences before we pass them. Then, and only then will we be held fully accountable for our actions.

Many of my constituents on Long Island might not realize the adverse effect unfunded mandates have had on their pocketbooks. However, considering they pay some of the highest taxes in the country, they should know that their tax burden is not entirely the fault of State and local governments. Much of it can be blamed on past action by Congress.

Here is a good example of an unfunded mandate that the people of my district should know about. The Board of Elections in Suffolk County, our home county, is going to face a budgetary nightmare next year, all because of one bill recently passed by Congress—the infamous motor-voter bill.

The Suffolk County Board of Elections has been a model agency in recent years. It has cut costs, operated over the past 7 years without an increase in their operating budget, and was ready to operate in 1995 with $100,000 less than in 1994. Then, in 1993, the motor-voter bill was passed. It will cost the county $500,000 to implement in 1995, effectively wiping out their $100,000 savings, and it will cost over $1.5 million in 1996.

The people of Suffolk County are already plagued by high taxes. They are not ready to be further burdened by the motor-voter bill.

Many Federal mandates involve important programs that many of us might support in concept. But, if we are going to ask others to pay for them, we should give them more of a say in developing them, we should level with them about who is going to pay for them, and we should be ready to defend the costs.

Mr. Chairman, this is a historic day in the House. At a time when we are asking everyone to make do with less from the Federal Government, we should not mandate them to do more. H.R. 5 will drastically change the way we do business. It will make Congress accountable for the legislation it passes and require honesty when we legislate. This is what the people want, and the country will be better because of it.

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentleman from Houston, TX [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from New York [Mr. TOWNS] for allowing me to address the House.

Mr. Chairman, as a 20-year member of the Texas Legislature, both in the House and Senate, I know about unfunded mandates, and I also oppose them, but I also know that the State mandates on the counties and cities and the counties and the cities mandate on their citizens without providing their funds to those citizens, even our schools mandate on their citizens without providing it, and my children went to public school, and they were mandated to buy a workbook even through we pay property taxes and State taxes, but they could not come to school if they did not pay for that workbook or the folder. So there are mandates from the Federal Government, from the State government, and from the local government, and this concept needs to go forward if it is going to pass here, too.

I support the concept of restricting unfunded mandates, but I am also concerned in hearing my other colleague from Texas talk about respect for this institution. How can we have respect for this institution when this bill did not have a public hearing during this session of Congress? I think we need to learn the full impact it will have on air pollution, nuclear wastes, and so I expect we will have a lot of amendments to try and clarify it.

I hope we have clean water in New York when I come to visit the gentleman because that way I would like to drink it, but I would also like to make sure we do not become a Divided States and continue to be a United States.

☐ 1500

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington, DC [Ms. NORTON].

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Chairman, no district needs an unfunded mandate bill more than mine. We are close to insolvency in part because of mandates. Thoughtless mandates are a regressive tax. But we deserve better than this blunderbuss bill that throws out the baby with the bath water and then throws in the tub for good measure.

It is irresponsible to try to fix all mandates with one bill. This bill applies to everything from Medicaid, which is 80 percent funded, to crime bill measures like sexual predator, which are completely unfunded.

Yet the critical vote on every bill will be on costs. This bill is brimming with unintended consequences. It is not about mandates. The real subject has not been discussed here, and that is the appropriate role of Federalism in the 21st century. We need an unfunded mandate bill, but in the vernacular of the streets, this ain't it.

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, before the Republican Party began rewriting history, it was widely thought that the people had entrusted the Federal Government with a number of basic responsibilities. First among them was the protection of its citizens and residents. The Framers of the Constitution listed the promotion of the general welfare as a fundamental duty of the Federal Government.

I am proud to be a member of the party that bore that responsibility in the 40 years that it controlled this House. It introduced landmark legislation to promote the common good, such as the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and the Lead Abatement Act.

I am frankly amazed that laws such as these are now singled out as evidence of a runaway government. Am I to understand that the American people are outraged that their children now drink cleaner water and breathe fresher air? Are my colleagues who support this measure being flooded by constituent mail because their kids no longer eat lead-based paint chips?

I urge my colleagues to uphold our constitutional duty to uphold the general welfare.

Mr. DREIER. Mr. Chairman, I am happy to yield 1 minute to my very hard-working friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is a very good bill. It takes a giant step toward relieving the burdens that we have unduly placed on cities and States around this country. It is a great step in the right director.

There is, however, one part of the bill that I think needs addressing, and toward that end the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Michigan [Mr. CHRYSLER], and myself have an amendment we are going to propose tomorrow which we think is very important. We want to make sure when we stop these unfunded mandates, that we do not give an advantage to the public sector over the private sector. So wherever there is an undue advantage given to the public sector because of this legislation over a private business that is in competition with the public business or public utility, we ought to make sure there is parity. We are going to propose this amendment tomorrow. We think it addresses this problem. If we do not get it passed tomorrow, I implore the chairman of the Committee on Government Operations to look at this legislation which we will introduce later on in the session.

Mr. Chairman, I hope you will take a hard look at that.

Mr. TOWNS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that this is an issue that I have been involved in now for some time, and I have a lot of respect for the chairman of the full committee, the gentleman from Pennsylvania [Mr. CLINGER].

We worked hard in the last Congress on H.R. 5128. But the bill that is before us is not the same bill that we proposed in the last Congress. It is a different bill.

The bill the last time, we had hearings all over. We had hearings in Pennsylvania, we had hearings in Florida, we had hearings here in Washington, DC, to get input coming from people that are involved in government. We had State elected officials coming, we had county elected officials coming. We had providers of service coming and talking to us about their concerns.

Now, that is the way that we should be involved. We should not all of a sudden go to bed one night and wake up one morning and say we are going to now put forth a bill, we are not going to talk to anybody, and we are going to push it, not knowing exactly what we are doing.

I do not think that is the Contract With America. I think they want to have input, they want to talk, and they want to make certain what we are doing is moving this country in the right direction. That is the view and that is the feeling I am getting.

As I try now to call around and get input and feelings from people that are going to be affected by what we are doing here, we do not have enough time to do it. The only way to do that would be to have hearings.

Now, I am just listening in terms of the fact that first of all, the dumping part. We should take some time and address that, to find out just what are we really doing here. We do not have to do this this way. This is not good government. We have too many unanswered questions here to move forward.

Now, I have been a supporter of this legislation all along. But I will be honest with you, what is before us now I cannot support, because to me it is not moving in the direction that I feel that the American people want us to move in. They do not want unfunded mandates, but they want to make certain what we are doing is not going to make the situation worse.

I am not sure. I have not had enough time to go over it. I have not had enough time to talk to people involved in terms of administering this program once we order it. There is a lot of questions here that nobody has been able to answer. And I think the only way you answer them is to talk to people.

We need to talk to experts out there. We have not talked to them. This is the kind of legislation that the magnitude of it requires a discussion. And I am disappointed over the fact that the people that are moving it forward, as I look now, 50 percent of the people that are on the committee this year were not on the committee last year.

It is a different bill. So I am hoping that tomorrow they would allow us to fix this bill. And if we cannot add amendments to fix it, I have to vote against it.

Mr. DREIER. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Omaha, NE [Mr. CHRISTENSEN], a new Member of the House, from the Committee on Ways and Means.

Mr. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to day in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This bill represents a bipartisan effort to address a very serious problem. For too many years the Federal Government has imposed a hidden tax on State and local governments in the form of unfunded mandates.

Unfunded mandates are Federal laws and regulations that impose costly duties on State and local governments, and without providing the money to pay for it.

In the past 10 years alone, Congress has passed 72 unfunded mandates, including mandates on clean air and water, toxic waste cleanup, asbestos and lead paint removal, and public access for the disabled. While there are no comprehensive estimates of the total cost of all unfunded mandates, one study estimates that just 10 of these 72 mandates cost over $72 billion a year.

H.R. 5 would put an end to Congress blindly imposing unfunded mandates on the States without regard to their cost. Specifically, H.R. 5 establishes a point of order against any future mandate which does not have a CBO cost estimate and creates a second point of order against any future mandate if Congress does not provide a way for paying for it.

Congress can by a majority vote waive these points of order. However, H.R. 5 will for the first time guarantee that Congress does not impose additional mandates on the States without a full and open debate on the cost and impact of these mandates.

In short, H.R. 5 is about responsibility and accountability. As Members of Congress, we have a responsibility to take action and to make sure this proposal passes so that the American people can once again have their representation speak for them in the U.S. House of Representatives.

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Mr. CONDIT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, let me say a word of thanks to my colleagues on both sides of the aisle for allowing me the time that they did and for allowing us to speak in favor of H.R. 5. And for my colleagues who were here today to speak in favor of it, they would also like to give a word of appreciation to both sides of the aisle for that.

I look forward to the next couple days when we will debate the amendments to H.R. 5. I think that will be a positive and constructive thing for us to have that debate.

We will talk about what we have heard today, the threat to public health. Let me just make a quick comment. This bill is no threat to public health. This just simply says that if we think it is good enough to be a national policy, then it is good enough to fund. It does not remove the clean air standards. It does not remove clean water standards. It simply says that if we think it is good enough to legislate and mandate across the country, it is good enough to pay for.

The private sector thing, the gentleman from Indiana [Mr. BURTON] said he has an amendment, we should consider that amendment. But I hope those Members who brought up the private sector section will help us when we get to risk assessment and cost analysis. Risk assessment will correct the private sector problem, and we look forward to that support and help on this side of the aisle.

The unfortunate result of this whole process is that State and local governments must devote locally raised revenues or reduce local services in order to pay for the unfunded mandates that we impose on them.

H.R. 5 gets at the fundamental unfairness of this process and thus ushers in a new era in the Federal, State, local partnership. I emphasize partnership because State and local governments are not some ordinary special interest group as some in this body allege. They are, instead, individuals who are elected and held accountable by the very same citizens who have sent us here to do the public's business.

Contrary to what some have alleged, H.R. 5 is not about the merits or demerits of individual mandates. We all want clean air, clean and safe drinking water, and safe working conditions. There is not a single mayor, county supervisor, or Governor in this country who is not in favor of these goals.

Instead, H.R. 5 is about putting some control into a process that is out of control.

Under H.R. 5, we will, for the first time, get accurate and reliable information on the cost of unfunded mandates.

H.R. 5 will encourage Congress and the Federal Government to consult and work with State and local governments on how best to address the Nation's problems.

And finally, H.R. 5 is about accountability. H.R. 5 does not prohibit unfunded mandates from ever being passed by Congress. It merely says that if you are not going to pay for a new mandate, then come down to the floor and go on record for doing so.

Today, you will hear a lot of horror stories about how H.R. 5 will take us back to the dark days when we did not have adequate safeguards on environmental, health, and safety issues. Nothing could be further from the truth.

First, it is important to note that H.R. 5 is not retroactive. I stress that point—the bill is not retroactive. Therefore, it will not undercut or diminish existing health or safety standards.

Second, H.R. 5 will not apply to reauthorizations unless the reauthorizations include new mandates and then only the new mandates would be subject to the bill.

Third, H.R. 5 will not prohibit us from ever passing new unfunded mandates. Under the bill, a majority of the House or Senate can waive the point of order enforcing the funding requirements and impose a new unfunded mandate.

Fourth, H.R. 5 will not unfairly disadvantage the private sector at the expense of the public sector. I might add that the Chamber of Commerce, NFIB, the Homebuilders, and the National Association of Realtors enthusiastically support this bill.

In closing, I ask that all Members keep these points in mind. I welcome the healthy debate that I am sure will follow when we get to the proposed amendments. However, I would hope that all Members debate this bill on the merits and resist from using hyperbole and outright mischaracterizations in order to denigrate and distort this bill.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we close this general debate before we proceed to the chairman of the Committee on Government Reform and Oversight, I would like to add one very important point to that that was raised by my friend, the gentleman from California [Mr. CONDIT].

As we look at this overall issue, it not only says that we have to make the decisions here that we are going to fund it, but it also says that we are going to be accountable.

What has happened in the past, tragically, is that the Congress has regularly snuck in these little provisions which have imposed an extraordinarily onerous regulatory burden on State and local governments and the private sector without providing any kind of funding. And none of us have been accountable because it has been snuck in there. So all this legislation says is, we have to make tough decisions and we have got to stand up, when those decisions are facing us, and say yea or nay. That is really what this legislation does.

If my colleagues look at State and local governments, they all the way across the board support this. Our Contract With America basically states that we want to reduce the size and scope of government and we want to move back to the State and local levels decisionmaking rather than having it centered inside the beltway.

That is exactly what this legislation will ultimately do, because I am convinced that our new majority will decide, when faced with these tough decisions, that unfunded mandates are not the way to go. It is not the way to be responsive to the American people. And I will strongly support H.R. 5 and congratulate all my friends who have worked so hard on this legislation.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I express my thanks to all who have participated in this debate. I think we have had a very wide-ranging debate and a number of issues have been raised. I look forward to the amendment process that will begin tomorrow.

I think there have been a number of perhaps misconceptions talked about here today that I would just briefly touch on. And it really has to be stressed. This is not a retroactive bill. It is not going to affect mandates that are on the books now. It will require a commission to look at existing mandates and determine if some of them have outlived their usefulness, but it in no way is going to abrogate any mandate that is on the books at the present time. Now is it going to prevent us or make it impossible for us to impose other mandates that we deem in our judgment to be necessary to pass without providing the necessary funds. But it does require us to at least consider the cost.

I think that has been the problem too often in the past. The fact that we now have 176 Federal mandates, we have never really been required to consider what is the cost that we are imposing on State and local governments.

There have been a couple of things that were raised here today that I think need to be corrected. It was suggested that perhaps the title IX requiring equality for women in sports programs, under title IX would have been affected. That is a civil rights bill. That is exempt under this bill. Another suggestion was that we would not be able to impose conditions on grants. That is clearly exempt. Any conditions of a grant of Federal funding is also exempt from this bill.

So that what we have, Mr. Chairman, I think, is a bill that clearly needs to be addressed. We will address it. I would agree that we have had a very full and wide-ranging debate here today. But it is not retroactive. It is only prospective in view and it really is only saying, let us consider what we are doing. What have we wrought, what have we imposed upon State and local governments that has made all of them universally crying for this legislation at the soonest possible moment.

Mr. HASTINGS of Washington. Mr. Chairman, former Senator John Sharp Williams, an admirer of Thomas Jefferson, once noted that: "My reading of history convinces me that most bad government has grown out of too much government." This is exactly the problem that we are attempting to address in today's debate.

When I first began working for my father's small business many years ago, the onslaught of Federal mandates on our local communities had only just begun. Later, as a Washington State legislator, I saw first hand how destructive Federal mandates could be. Today, the

Federal Government has used the mandate loophole to radically expand the scope of Federal intrusion into the lives of all Americans. Our constituents have paid the price in an ever-increasing State and local tax burden, and in unnecessary restrictions on our struggling regional economies.

The U.S. Constitution set up a clear delineation in powers between the State and Federal governments. The Founding Fathers wanted to make certain that the Federal Government would have limited power to infringe upon States rights, or to raid State coffers. But like an octopus, the Nation's bureaucracy has slowly but surely extended its power and influence, and in so doing has eroded many of the Constitution's fundamental provisions.

Let me give you a few examples.

Federal regulations are forcing one country in my home State of Washington to spend $142,000 to convert their traffic signs to the metric system. Never mind that almost none of my constituents have any interest in making the conversion. Never mind that the money might be better used to improve our schools, refurbish our infrastructure, or reduce our constituents' taxes. Never mind that the regulation defies common sense. My constituents are forced by the bureaucrats to comply with this unfunded mandate.

The Intermodal Surface Transportation Efficiency Act—passed by Congress in 1991—has forced my State to include recycled rubber in asphalt laid by federally funded highway construction projects. Never mind that engineers are divided on the wisdom of this program. And never mind that this Federal provision may well cost Washington State tens of millions of dollars. My constituents are forced to comply with this unfunded Federal mandate.

Unfunded mandates impose enormous costs on cities in my district as well. One, Kennewick—a city of approximately 40,000 residents—estimates that Federal mandates cost it more than $4 million a year. And nationwide, the U.S. Chamber of Commerce has estimated that the cost of complying with Federal mandates has gown to almost $600 billion.

Mr. Chairman, the people of this Nation spoke with one voice this past November. They want less Government, less regulation, and lower taxes. They also want a Government that is more responsive to local concerns.

They're exactly right. And the best way for us to combat the mandate plague is to make it more difficult for Congress to usurp the constitutional prerogatives of our State and local leaders. That is what this legislation would accomplish, and as a result, I urge an ''aye'' vote on this measure.

Ms. PRYCE. Mr. Chairman, I rise in support of H.R. 5, the Unfunded Mandate Reform Act of 1995.

Eight years ago, Gov. George Voinovich of the State of Ohio spelled out exactly why this legislation is so necessary. He said:

> Over the past 20 years, we have seen the expansion of the Federal Government into new, nontraditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to preempt State and local authority and to mandate actions on State and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch, and the U.S. Supreme Court have caused some legal scholars to observe that while constitutional federalism is alive in scholarly treaties, it has expired as a practical political reality.

I support H.R. 5, Mr. Chairman, because it restores balance to the Federal, State, and local relationship envisioned by the Framers of the 10th amendment.

Under the current system of mandating, State and local leaders are forced to cut vital services and raise taxes. But worse yet, mandates deprive citizens and their elected representatives of one of the most fundamental responsibilities of good government: the ability to prioritize government services. The public is not well-served when Congress arrogantly passes on new mandates that force mayors to think twice about putting new police officers on the street or Governors to delay implementing needed reforms in education.

Without effective relief from unfunded mandates, Washington will soon bankrupt State and local governments. The State of Ohio has estimated that unfunded Federal mandates will cost the State more than $1.74 billion between 1992 and 1995. The city of Columbus, in my district, estimated that its total spending on 14 major mandates would be $1.6 billion between 1991 and the year 2000. By the year 2000, each Columbus family's share would be $850 per year.

These costs have a tremendous impact. In the past 5 years, education in Ohio has declined as a share of State spending nationally at a time when improving education is one of this country's highest priorities.

While many mandates are well-intentioned, they can also do more harm than good and have unintended results. A good example is the most recent Federal highway law which forces States to use scrap tires in highway pavement. No State transportation agency supported this idea, and many experts have serious concerns about the potentially harmful environmental effects of using scrap tires in pavement, but that did not deter Congress from passing the mandate.

The legislation before us reminds us of the two basic questions for all public officials: What should government do, and what level of government should do it?

Since no level of government—Federal, State, or local—has the luxury of unlimited financial resources, we should not judge public officials by how much they spend on solving a problem. They should be judged on their initiative and resourcefulness, and on what they can accomplish within their means.

H.R. 5 is a long overdue step toward correcting an abuse of power by Big Government in Washington and revitalizing the Federal-State-local partnership which forms the basis of our society. As a cosponsor of the bill, I urge its adoption without any weakening amendments.

Mr. BUYER. Mr. Chairman, as the recent elections have proven, the Washington-knows-best attitude can be no more. For too long the Federal Government has usurped the 10th amendment of the U.S. Constitution, the specific intent of our Founding Fathers. It has also stifled the growth of our Nation's businesses because of the cost of compliance with Federal mandates. It is time this body recognized States' rights and ensure States and local communities are allowed to determine how best to resolve their own problems. And, it must also be fully aware of burdens it is placing on the business community.

The people of my district have elected several ingenuitive and responsible leaders in cities like Plymouth, Lowell, DeMotte, Warsaw, Knox, Peru, Kokomo, and Marion, as well as others. These elected officials have been challenged to solve local problems, create economic growth and development, and provide necessary services at minimal costs. However, recently, the Federal Government has redefined their responsibilities into being able to comply with Federal regulations, sift through the Federal bureaucracy to obtain grants and financial assistance, and practice budgetary wizardry to fund these mandates along with all of the necessary local programs. By shifting costs to local communities and setting its agenda, unfunded Federal mandates breach the underlying principles of federalism which assume a working partnership and shared responsibilities between the Federal, State, and local governments.

Over the past few years, State and local officials in my district have continually pleaded for relief. Business leaders have explained that they are being forced to make decisions based on Federal regulations rather than the market economy. The Federal Government has not only tied the hands of these officials and business leaders, but, through mandates, it has determined the agenda and has set the priorities at all levels of government. In fact, both Cedar Lake and Monticello, cities in my district, have had to bear the cost of additional loans to address much needed sewer projects, which had been deferred due to the costs of compliance with Federal mandates.

Last week, I spent the day talking and listening with the members of the Indiana General Assembly. They want to work with the Federal Government, but they know all too well the Federal Government's help too often means more burdens, requirements, and budget outlays—the Safe Drinking Water Act, the Clean Air Act, the Motor Voter Act, and last year's crime bill to name a few. They explained that instead of being able to address the concerns and needs of their communities, they have become administrative servants of the Federal Government. They are constantly compelled to comply with mandates, rules, and regulations, which demand too much time and too many resources.

Business leaders have told me the same thing. They are forced to devote their time and additional employees to make sure they comply with Federal rules and regulations, rather than assisting customers and promoting growth and development. Some businesses have closed plants and eliminated jobs because of the cost of compliance with certain mandates. These Federal regulations have forced many producers to rely, in part, on foreign sources, rather than their own.

A small businessman in my district confessed to me that even though the growth of his business is such that he would be able to hire additional employees, he will manage with his current 46 employees. He explained that the Family and Medical Leave Act, which affects business of greater than 50 employees, would place too many costs and burdens on his business, even though he has already instituted a policy allowing for employee leave.

We have set an ambitious agenda to meet the demands of the American people. However, we would only be fooling ourselves and

conducting more business-as-usual if we were to pass the balanced budget amendment, increase defense spending, grant family and business tax cuts, and enact another crime bill without also passing the Unfunded Mandates Reform Act.

Congress, by passing this legislation, will finally show it is committed to not only limiting the heavy Federal arm, but also to being better informed in its decisionmaking and accountability, including being aware of the costs State and local governments and businesses would bear. This Congress should require cost estimates on mandates, funding to be identified in the legislation, agencies to do cost/benefit analyses of regulations, and, most importantly, input from those who would be affected by mandating legislation. This opportunity must be seized without further delay or weakening amendments.

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to this piece of legislation. I want to make it clear from the outset that I believe the Federal Government must assist State and local governments in meeting financial obligations associated with legislation passed by Congress. I have been a consistent supporter of directing Federal resources to the local level to assist them in complying with Federal statutes. At the same time, I firmly believe that the Federal Government has an overriding obligation to protect the health, safety, and well-being of every American. This bill will greatly undermine the Federal Government's ability to provide equal protection to our citizens and will compromise 25 years of progress in environmental protection, civil rights, and many other areas.

I have several concerns about this bill. First, it establishes a new Federal advisory committee to conduct a review of all Federal requirements. For many years, my Republican colleagues have been arguing that we should not establish any new advisory committees and that we should eliminate many we already have. I would suggest that the existing Advisory Commission on Intergovernmental Relations [ACIR] is ideally suited to conduct such a review. A majority of its members are representatives of State, local and county governments and it also includes Members of Congress and executive branch officials. For the past 20 years the Commission has been studying the mandate issue and the interaction between various levels of government. Just last week ACIR released two reports addressing how to accurately calculate the costs of Federal requirements and how to define Federal mandates. I believe the Commission has the personnel and the expertise to examine the mandate issue. As a result, I will offer an amendment with the Mr. SCHIFF, Mr. MORAN, and Ms. MEEK to require the Advisory Commission on Intergovernmental Relations to conduct the review required by the bill. This is a common sense amendment that I urge my colleagues to support.

Second, the regulatory review requirements contained in title II of the bill are already required by Executive Orders 12866 and 12875 which President Clinton issued in the fall of 1993. In fact, the Office of Management and Budget [OMB] is currently developing a process to evaluate the effects of mandates and gather input from State and local governments. Title II merely duplicates requirements which already exist. Therefore, it is unnecessary.

Third, it is ironic that a bill seeking to reduce mandates on one entity would impose dramatic new mandates on others. This legislation requires the Director of the Congressional Budget Office [CBO] to review every bill or joint resolution reported by a committee. This review must determine whether the mandate will cost State and local governments more than $50 million or the private sector more than $100 million in any given fiscal year as well as determine whether additional Federal funds are provided to cover those costs. While the CBO is required to review certain legislation under current law, this particular measure places a massive new burden on this agency.

While I am concerned about the above, my main opposition to this bill stems from the effects it will have on the health, safety, welfare, and economic security of every American. Under this legislation, bills imposing certain requirements on States and local governments would be ruled out of order if they are projected to cost more than $50 million. Legislation exceeding this limit would only be protected from a point of order if it authorized funding to cover the full costs of the requirement or provided a mechanism for Federal agencies to reduce State compliance to some level equal to the funding contained in the bill. Moreover, in spite of assurances by supporters of this measure that it will only apply to future legislation, I remain very concerned that attempts could be made to use this bill to undermine existing legislation when it is reauthorized or amended. Furthermore, while the bill seeks to provide relief to local governments, it will disadvantage private sector enterprises which provide services similar to local governments.

Mr. Chairman, the underlying logic of this bill is deeply flawed. In essence, it assumes that State and local governments would not take steps to treat sewage or provide clean drinking water to their citizens or work to ensure access to public buildings for handicapped citizens in the absence of Federal standards. In addition, it argues that the Federal Government must pay the full costs of every action which results, even in some remote way, from a Federal requirement in order for States and localities to comply. I believe the shortcomings in this reasoning are transparent.

Obviously, States and municipalities will take, and do take, steps to protect the health and welfare of their citizens. Federal requirements, such as those set forth in the Clean Water and Safe Drinking Water Acts, are designed to ensure a minimum degree of protection for every American because all States do not invest equally in addressing problems. What proponents also fail to recognize is that many problems are regional or national in scope and the Federal Government is the only entity which can set standards or devise a course of action to address them. I believe the Clean Air Act and Civil Rights statutes are perfect examples of this reality.

Under these laws, and many others, the Federal Government has provided funding to assist the States in complying with the minimum standards. In fiscal year 1995, Congress appropriated nearly $3 billion to assist States in upgrading their water treatment infrastructure to help to ensure that every American, regardless of which State they live in, will have pure drinking water. These two statutes are only one example of Federal support flowing to the States. In fact, budget figures show that in fiscal year 1993 Federal outlays for grants to State and local governments totaled $155 billion and that figure was projected to increase to more than $169 billion in fiscal 1994. These transfers represent more than 3 percent of our gross domestic product [GDP].

If we apply H.R. 5 to the above example, States would not have to upgrade water treatment facilities if the total costs exceed the Federal contribution. This bill does not take into account the inherent responsibility of a State to carry out this activity or make any allowances for emergencies or vitally important projects. It merely sets up an arbitrary cutoff point that lets states off the hook if the Federal Government does not pay the full costs of what most would agree are shared responsibilities. Moreover, this bill rewards States that have not taken the initiative to address certain problems and penalizes those which have been leaders. H.R. 5 works to bring everyone down to the lowest common denominator. I believe my colleagues will agree that this is not a goal we should be shooting for in this body.

Finally, this bill will put many private sector businesses at a competitive disadvantage. While States will be exempt from Federal requirements if the costs are not fully covered, the same will not apply to businesses. This disparity could be devastating to any small business which provides services that local communities might also provide. For example, if a local government is exempt from complying with certain provisions of the Resource Conservation and Recovery Act [RCRA] relating to waste disposal, it could drive small waste haulers and private waste disposal firms out of business. The effect of this bill would be to establish different standards for hospitals, universities, and many other entities performing identical tasks based on whether they are owned by a State or private company. This distinction demonstrates how this bill works to merely shift responsibility to comply from the public to the private sector. Unfortunately, because this bill was not subject to any hearings this Congress, we do not fully understand the implications of this shift. This is especially disturbing in light of the fact that small business is the engine which drives economic growth in this country.

Mr. Chairman, this legislation is seriously flawed. It creates an unnecessary new bureaucracy and places unprecedented burdens on Federal agencies and the CBO. More importantly, it will work to reverse the progress we have made over the past 25 years in environmental protection, public health, worker rights, and equal protection for all Americans. It throws the notion of shared responsibility between the Federal and State governments completely out the window. In addition, it will place small businesses at a competitive disadvantage vis-a-vis State and local governments. In the final analysis, this bill will degrade the quality of life for all Americans. I urge my colleagues to reject this ill-conceived measure.

Mr. HAYES. Mr. Chairman, the premise behind H.R. 5, the Unfunded Mandates Reform Act, is fiscal responsibility.

I cosponsored this legislation with that objective in mind and because I am appalled by the Federal bureaucracy's arrogance with respect to suggesting federally conceived one-size-fits-all solutions to local problems without

regard to who must pay for them. If H.R. 5 truly represents a progressive step toward the Federal Government setting priorities in a fiscally prudent manner, then the bill itself should not end up being an unfunded mandate on the American taxpayer.

As the Chairman is well aware, title III of this bill authorizes $4.5 million for the Congressional Budget Office [CBO] to perform critical economic analysis of the impact that legislative proposals will have on State and local governments and the business community. Although a very worthwhile and necessary function, authorizing funding without offering specific offsets merely shifts responsibility to the appropriators, and with our budget already stretched to limits, questions of funding should no longer be left to chance. Once again, entrenched institutional ideals will postpone the hard decisions for a later date. It is this type of logic that has resulted in our national debt ballooning to $4.5 trillion.

House rules preclude me from offering an offsetting amendment at this time. Therefore, I plan on proposing an amendment to the House legislative branch appropriations bill which will direct a reduction in the official mail or ''franking'' account of $9 million. Under this amendment, Members of Congress would experience a further reduction in their free mail account to more than offset the costs authorized by this bill so that local and State governments and the private sector have all the pertinent economic information about the impact of proposed regulations and laws. If the 104th Congress really has the vision to deliver needed reforms in the way our Government does business, then actually providing relief from unfunded mandates as well as the Federal deficit is the very least we owe the American people.

Mr. GOSS. Mr. Chairman, our States, counties, cities, and towns have all experienced the frustration of unfunded Federal mandates in one form or another. As the first mayor of Sanibel, FL, and later as chairman of the Lee County Commission, I became much too familiar with the pressures that such one-size-fits-all mandates put on local budgets. It has become a very bad habit for the Federal Government to tell their State and local counterparts what to do, often spelling out how to do it, and usually doing so without consideration of the costs involved or the unique characteristics that make our localities differ from one another. I am gratified that today we are moving to reverse that trend and establish safeguards against such irresponsible Federal dictates in the future.

The Committee on Rules has original jurisdiction over the changes and additions to the House Rules contained in H.R. 5. We considered title III, after a very thorough and informative briefing by CRS and CBO, and after listening to a broad array of views during an extended committee hearing.

The nuts and bolts of the rules changes in this bill have been pretty well explained—it will be out of order for the House to consider legislation that creates a new unfunded mandate, above a certain, national trigger cost level, on States and local governments. This point of order can be waived by a majority vote if enough Members of this House feel that the need for the mandate is urgent. While this will not automatically stop all new mandates in their tracks, it will force the House to take the issue of the unfunded mandate specifically into consideration, casting an up or down vote, in full public view on the issue of whether to proceed with such a mandate or not. Accountability in short.

As a strong supporter of this bill, I nonetheless did have some concern over the possible unintended consequences it could have on existing environmental and public health laws. As initially drafted, it was unclear whether the cost of existing programs, such as the Clean Water Act, would be counted toward the $50 million trigger in this bill when such programs came up for reauthorization. While it's clear that the intention of this bill's authors was never to gut the provisions of every piece of environmental legislation, I am pleased that we were able to further clarify this point in the Rules Committee through an amendment to title III. That amendment makes it clear that only the incremental costs of new mandates will count toward the $50 million trigger. This keeps within the spirit of H.R. 5, in looking ahead to future mandates while a commission reviews all existing mandates.

Mr. Chairman, this is a good bill, complicated by the nature of the subject, but well thought out. A host of talented Members, State officials, and staff worked long hours to bring us to this point. Congressional action to reverse the trend on unfunded mandates is long overdue and vital to the financial stability of our State and local governments. For more accountability, for thriftier spending, for better Government—I urge my colleagues to support H.R. 5.

The CHAIRMAN. All time for general debate has expired.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GOODLATTE] having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the costs of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

APPOINTMENT AS MEMBERS OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to the provisions of 15 U.S.C. 1024(a), the Chair, without objection, appoints as members of the Joint Economic Committee the following members on the part of the House:

Mr. SAXTON of New Jersey.
Mr. EWING of Illinois;
Mr. QUINN of New York;
Mr. MANZULLO of Illinois;
Mr. SANFORD of South Carolina;
Mr. THORNBERRY of Texas;
Mr. STARK of California;
Mr. OBEY of Wisconsin;
Mr. HAMILTON of Indiana; and
Mr. MFUME of Maryland.

There was no objection.

APPOINTMENT AS MEMBER OF THE HOUSE PAGE BOARD FOR THE 104TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 19, 1995.

DEAR MR. SPEAKER: Pursuant to section 127 of Public Law 97–377, I hereby appoint the following Member of Congress to serve on the House of Representatives Page Board for the 104th Congress: Representative DALE KILDEE.

Sincerely,

RICHARD A. GEPHARDT.

EXTENSION OF AGREEMENT BETWEEN THE UNITED STATES AND ESTONIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–21)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith the Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Tallinn on March 11 and May 12, 1994, extends the 1992 Agreement to June 30, 1996.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 19, 1995.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain requests for 1-minute statements.

CONGRATULATIONS ALBION

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Michigan. Mr. Chairman, as we conclude another football season, I say:

Move over, San Francisco. Step aside, San Diego Chargers.

The real football champion is not from California, but from Michigan—and more specifically, from Albion, MI.

Last month, Albion College captured the division III national championship by defeating Washington and Jefferson of Pennsylvania 38 to 15.

With a tradition of excellence in both academics and athletics, Albion's reputation is known throughout the Midwest. And the men who make up the Briton football team are scholar-athletes in the truest sense of the word.

So, let me take my hat off to Coach Schmidt and the Albion Britons for capping a perfect 13 and 0 season with a national championship.

On behalf of this Congress, congratulations Albion.

I enclose a report of the game as covered in the Pleiad:

Washington and Jefferson was the 2–1 favorite to win the Amos Alonzo Stagg Bowl. In the end, the margin of victory was more than 2–1. Only it was Albion College that became the National Collegiate Athletic Association Division III National Champions.

So much for expert opinions. The Britons' 38–15 victory over the Presidents was the most lopsided Stagg Bowl since 1986.

The victory boosted Albion's record to 13–0, clinching a perfect season. The Britons are one of four NCAA football squads in the nation with a perfect record . W&J finished its season with an 11–2 record.

Despite the clearcut victory, Saturday's game in Salem, Va., was marred by a slow start and racial taunts directed at Jeffrey Robinson, Mount Clemens senior and running back.

First, the Britons lost the coin toss and had to receive in the first half. Despite a 40-yard kickoff return by Todd Morris, Highland senior and fullback, Albion was unable to capitalize on its first two drives of the game. With 4:30 left in the first quarter, W&J's Vince Botti scored the game's first touchdown.

With 35 seconds left in the first quarter, however, Robinson broke a tackle and found a hole. He ran for 70 yards, scoring the Britons' first touchdown 12 seconds later.

Seventy-four seconds after that first touchdown, the Britons scored again when Jared Wood, Frankenmuth junior and outside linebacker, intercepted a pass and ran it back 29 yards for another touchdown—the first of two in the second quarter.

Scott Casteele, Vermontville senior and tight end, forced the Presidents to fumble on the ensuing kickoff. David Lefere, Jackson sophomore and free safety, then recovered the ball, leading to a 28-yard field goal by kicker Michael Zacha, Okemos sophomore.

The defense dominated, with big hits by Dennis Waclawski, Ada junior and defensive tackle; Robert Taylor, Grosse Ile senior and defensive end; and an interception by Timothy Schafer, Holt junior and cornerback.

With 1:08 left in the half, Robinson scored again, putting the Britons ahead 24–7 at the half.

The third quarter was dominated by the Briton defense, especially by James Davis, Gross Ile senior and outside linebacker. Davis had a hand in two sacks in the quarter, both on W&J third downs.

Albion added to its score yet again with 50 seconds left in the quarter, courtesy of a 2-yard reception by Christopher Barnett, Flint sophomore and wide receiver.

The fourth quarter belonged to Raymond Henke, Warren sophomore and cornerback, who batted down three W&J passes.

With 11:18 remaining, W&J running back Jake Williams crossed the goal line for a 12-yard touchdown run. W&J chose to go for the two-point conversion, and quarterback Jason Baer connected with Botti, bringing the score to 31–15.

With 57 seconds left to play, Robinson scored his third touchdown of the game—a 29-yard run. With the successful extra point kick by Zacha, the Britons clinched the national championship by a score of 38–15.

Albion's score was not the only impressive number of the game. Robinson rushed for 166 yards and three touchdowns. The team combined to rush for 254 yards, shutting down the Presidents' first-ranked defense against the run, which only allowed an average of 35.8 rushing yards per game.

Prior to Saturday's game, W&J had not given up more than 24 points since a 47–28 loss to Ithaca (N.Y.) in 1992.

The Britons accomplished all this despite the steady rain that persisted throughout the game, making the 45-degree temperature seem even colder and making the field even muddier.

□ 1520

With a tradition of excellence in both academics and athletics, Albion's reputation is known throughout the Midwest. The men who make up the Briton football team are scholar athletes in the truest tradition of the word, so let me take my hat off to Coach Smith and to the Albion Britons for capturing a perfect 13–1–0 loss season with the conclusion of the national championship. On behalf of this Congress, congratulations, Albion.

THE MARION MALLEY WALSH DRUNK DRIVING ACT OF 1995

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to introduce a piece of legislation that is of particular importance to me: the Marion Malley Walsh Drunk Driving Act of 1995.

Marion Malley Walsh was a professional artist—a commercial fashion illustrator and successful pastel portrait painter—a mother and grandmother, who lived in Longmeadow, MA. On June 23, 1993, while driving with her sister Loretta to a family reunion on Lake George, Marion was killed by a drunk driver who was fleeing the scene of a hit-and-run accident.

Mr. Speaker, drunk driving is a problem that plagues our Nation. In 1992, 17,699 innocent people were killed in this country by drunk drivers. That's an average of one alcohol-related fatality every 30 minutes. Drunk driving crashes cost the U.S. health care system approximately $6 billion in 1993, and American businesses and workers approximately $25 billion in lost wages.

The Marion Malley Walsh Drunk Driving Act follows the lead that was set in Massachusetts and in a few other States—setting a zero-tolerance level for drivers under the age of 21, and lowering the legal alcohol limit to .08 percent.

States that do not comply with the Marion Malley Walsh Drunk Driving Act will still receive Federal highway moneys—only some of these funds will be earmarked for specific programs related to drunk driving.

Most importantly, however, the Marion Malley Walsh Drunk Driving Act doesn't cost the tax payers an additional dime—it can be done within our current system.

Mr. Speaker, in the memory of Marion Malley Walsh, and for her family and all the other families that grieve the loss of a loved one caused by a drunk driver, I urge my colleagues to support this important legislation.

SUPERBOWL ELATION MIXED WITH DETERMINATION TO BALANCE AMERICA'S BUDGET

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, this weekend I watched with joy as the San Francisco 49ers and the San Diego Chargers won their respective conference titles, and are destined for the Superbowl, but I must say that my happiness with an all-California Superbowl was overcome with amazement when I flipped the channel and saw Labor Secretary Reich say this last Sunday, and I quote, ''The President is against simply balancing the budget.''

Mr. Speaker, the American people demand that we cut spending and balance the budget. As a Member of this great body, that is exactly what I intend to do. I stand here today with renewed conviction in support of the balanced budget amendment. That includes a three-fifths majority to raise taxes.

There may be those who believe we can simply keep spending the American people's money. There may even be those who think that States and local governments should foot the bill through unfunded mandates.

I am not among those people. We just cannot continue to spend the money we do not have, and a tax limitation balanced budget amendment is a commitment to the American people who demand that the Federal Government get its financial house in order.

URGING SUPPORT FOR HOUSE RESOLUTION 28, A BIPARTISAN BALANCED BUDGET AMENDMENT

(Mr. DOYLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOYLE. Mr. Speaker, I rise in support of the only bipartisan, bicameral balanced budget amendment. I speak of House Resolution 28 which I

am cosponsoring because I believe we cannot wait any longer to address this country's budget deficit. It was in March of last year, when I was simply a candidate for Congress, that this House last voted on a balanced budget amendment. The amendment failed then, but the deficit has not stopped growing. In fact, the national debt has increased by more than $160 billion since last March. Gross interest payments alone are costing us $315 million per day. Until we bring this problem under control these interest payments will continue to skyrocket, devouring larger and larger portions of the budget. This process has a devastating regressive effect on the rest of the budget because it severely hampers our ability to fund important discretionary programs.

Our interest payments this year alone will be 8 times higher than expenditures on education and 50 times higher than expenditures on job training. We cannot exacerbate this situation any further or we will completely cripple countless generations to come. For this reason, I urge my colleagues on both sides of the aisle to support the bipartisan balanced budget amendment, House Resolution 28.

DEFERRING SPECIAL ORDER ON WHITEWATER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, tonight I was going to take a 1-hour special order to talk about Whitewater, the Arkansas Development Financial Authority, and possible involvement by Members of the White House in these endeavors.

However, because of the parliamentary debate that has taken place on the floor today, and because I want to make sure I comply with parliamentary procedures, I have decided to defer my special order until next Wednesday, at which time I will go into that, and make sure we comply with our great Parliamentarian's rulings.

URGING SUPPORT FOR THE STENHOLM-SCHAEFER CONSENSUS BALANCED BUDGET AMENDMENT

(Ms. MCCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCARTHY. Mr. Speaker, next week this House will take up several proposals to amend our Constitution to require a balanced Federal budget. I urge my colleagues to support the bipartisan consensus version of this amendment that will be offered by my colleagues, the gentleman from Texas, CHARLIE STENHOLM, and the gentleman from Colorado, DAN SCHAEFER.

This measure has several important features not found in competing proposals. it requires a balance of actual outlays against actual receipts. It would not include securities held by the Social Security trust fund when the fund is running a surplus. It requires the President to submit a complete budget plan that is in balance. it includes a thoughtful exemption requiring that the United States be engaged in military conflict before Congress could vote to waive its requirements.

Under current policies, according to the analytical prospectus volume of the budget of the United States, future generations are projected to face a lifetime net tax rate of 82 percent in order to pay the bills that we are leaving them. For these reasons, I urge my colleagues to support the Stenholm-Schaefer balanced budget amendment, as I am doing.

PASS UNFUNDED MANDATES LEGISLATION

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous material.)

Mr. EVERETT. Mr. Speaker, a headline in today's Washington Post reads ''Unfunded Mandates Top Cities' List of Problems.'' It sites a study by the National League of Cities that finds unfunded mandates is the issue local governments find most vexing.

It's time for Congress to put an end to this practice of trying to balance our books on the backs of State and local governments. If the Federal Government cannot pay for it, we will not force the costs on the States.

□ 1050

That is what our unfunded mandate legislation will accomplish. Republicans want to change the culture of Washington through unfunded mandates legislation and a balanced budget amendment.

We want a Government that works for the people, not against the people.

I urge my colleagues to supported unfunded mandates legislation. The time has come to change the culture of Washington.

The article to which I referred is as follows:

UNFUNDED MANDATES TOP CITIES' LIST OF PROBLEMS—OFFICALS SURVEYED ALSO CITE CRIME, VIOLENCE

(By John M. Goshko)

Halting increases in crime and violence, curbing costly federal requirements and creating more jobs are the biggest problems facing American towns and cities, according to the National League of Cities' annual survey of the issues preoccupying municipal officials.

The NLC, a bipartisan organization that represents state municipal leagues with a combined membership of 16,000 cities, based its findings on responses from 382 elected officials drawn from cities of 10,000 people or more. The findings of the survey, conducted before the November elections, closely paralleled many of the concerns that dominated campaigns and led to Republican control of Congress.

The survey found that unfunded mandates—laws or regulations imposed on cities without funding from federal or state governments—is the issue local governments find most vexing. The adverse impact of these mandates on cities with shrinking municipal financial resources was cited by 74.2 percent of respondents as a steadily worsening situation that Congress must address urgently.

Also of great concern to municipal officials is a panoply of public safety issues: youth crime (63.4 percent), school violence (52 percent), gangs (51.3 percent), drugs (48.4 percent) and violent crime (40.8 percent).

In proposing ways to deal with crime, respondents broke sharply with the tough measures proposed by House Speaker Newt Gingrich (R-Ga.) in his ''Contract With America.'' In accordance with GOP campaign promises, Congress is preparing to consider substantial revision of the omnibus crime bill, passed under President Clinton's sponsorship last summer, to divert funds from crime-prevention programs to prison construction.

The NLC survey asked respondents to measure the potential effectiveness of 20 different approaches to reducing crime. They expressed the least confidence in get-tough ideas such as more death penalties (8.1 percent), more prisons (8.4 percent), elimination of parole (9.9 percent) and stricter gun control (11.8 percent).

By contrast, 63.6 percent of respondents declared themselves in favor of strengthening family stability as the most effective deterrent to crime. They also gave high marks to job creation, after-school and recreational programs and early-childhood education such as Head Start as approaches to fighting crime.

''Municipal officials believe that last year's crime bill struck the right balance,'' said Donald J. Borut, NLC executive director. ''There is serious concern about the current efforts at revision under consideration in Congress. Last summer's bill has been in effect barely four months, and we believe it should be given a chance before attempts are made to tamper with it.''

Both Borut and Carolyn Long Banks, NLC president and an Atlanta city council member, stressed that the greatest concern in city governments is unfunded mandates. They praised Sen. Dirk Kempthorne (R-Idaho) for taking the lead on legislation that would curb Washington's power to impose mandates without funding them.

Banks noted that unfunded mandates take up almost 15 percent of Altanta's annual budget. She added that her city is being fined $9,000 a day for failing to comply with a federal law requiring construction of a system to handle storm and water runoff. It hasn't been done, she said, because the city doesn't have the money to meet federal specifications and because many residents don't want the requisite construction in their neighborhoods.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. GILLMOR] is recognized for 5 minutes.

[Mr. GILLMOR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

□ 1530

SUPPORT H.R. 5, UNFUNDED MANDATE REFORM ACT

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentleman from New York [Mr. MARTINI] is recognized for 5 minutes.

Mr. MARTINI. Mr. Speaker, I rise today to revisit a topic that has been receiving a great deal of attention recently and to once again voice my strong support for the reforms endorsed by my colleagues in the Government Reform and Oversight Committee.

I refer in general to the issue of burdensome unfunded Federal mandates placed on States and localities, and specifically to H.R. 5, the Unfunded Mandate Reform Act of 1995, the bill our committee just passed and the one the House as a whole will consider this week. With the flow of Federal mandates that has flooded our local governments over the last 40 years, H.R. 5 will mark the high water point from which we will begin to bail our people out.

It appears as if the Members of Congress are finally coming to the realization that they do not legislate in a vacuum. They are beginning to see that many of their ''feel good'' laws and regulations actually impact local governments in very real and all too often unfortunately very negative ways.

Congress did not choose to pay for these regulations. Rather, it has for years forced somebody else to pick up the tab, namely States and localities.

This practice represents the height of fiscal irresponsibility and the old style of doing business that the Nation rejected in this last election. I firmly believe that it is exactly this kind of reform my constituents sent me here to address. They want Congress to be accountable to the people, and that is what I am determined to do.

The expensive nature of these mandates is well documented. In some instances, the prohibitive costs of Federal mandates exceed entire local Government budgets. And before complying with these regulations, municipalities must first provide the essential basic services like sanitation, law enforcement, and education, that properly fall under their jurisdiction. It is little wonder that the U.S. Conference of Mayors, the National Conference of State Legislatures, and the National Governors' Association are adamant in their support for this legislation.

My constituents are angry, Mr. Speaker, and it is not simply because the Federal Government taxes them too much. To be sure, cutting taxes is another important issue that this Chamber will address soon. My constituents are angry because their local property taxes are also too high, and continue rising as I speak. This upward swing in local taxes can be attributed in large part to unfunded mandates, and it is simply not fair. It is not fair to our constituents, who must shoulder the extra burden for programs of questionable value, and it is not fair to local officials, who act responsibly and are forced to hike their constituents' taxes despite their best efforts.

Mr. Speaker, I reiterate my support for H.R. 5, the Unfunded Mandates Reform Act of 1995. The voters spoke loudly and clearly on November 8. They demanded a smaller, smarter, and less costly Government. With the passage of this very important bill, this body will demonstrate to the American people that here in Congress we are beginning to solve our Nation's problems, not with the heavy hand of regulation, but with the responsible hand of partnership extended to our colleagues on the State and local level.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. EHLERS] is recognized for 5 minutes.

[Mr. EHLERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

HONORING UMPIRE RON LUCIANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HINCHEY] is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to former major league umpire Ronald M. Luciano who passed away Wednesday at his home in Endicott, NY, at the age of 57.

One of the American League's top umpires throughout his 11-year career, Luciano was a respected and well-liked member of the baseball community. Luciano worked the 1974 World Series and the 1971, 1975, and 1978 American League Championships, an honor reserved for the league's best umpires.

Luciano retired from umpiring in 1980 to become a television commentator, as well as an author. His 1982 book, ''The Umpire Strikes Back'' was a best seller.

It is as one of the game's great ambassadors, however, that Luciano will be most remembered. Luciano brought a showmanship to the sport seldom seen from an umpire. Through his unique style, often comedic, Luciano helped sell our Nation's pastime to fans of all ages.

Even after he achieved national stature, Luciano remained an active member of the Broome County community. A devoted son and brother, Luciano returned to Endicott where he undertook a local business venture. Luciano was frequently spotted lending his support and expertise at Little League baseball games.

The citizens of Broome County will miss him as much for his community involvement as for what he did for baseball.

I hope my colleagues will join me today in paying tribute to Ron Luciano. His passing is a loss for both baseball and for a community to which he was such an integral member. I extend my sincerest condolences to his family.

DON'T RUSH THROUGH UNFUNDED MANDATE ACT

(Mr. MASCARA asked and was given permission to address the House for 1 minute.)

Mr. MASCARA. Mr. Speaker, as a former county commissioner of Washington County, PA, I know firsthand how the citizens of southwestern Pennsylvania have been victimized by unfunded mandates. Regularly, my fellow commissioners and I struggled to find ways to pay for regulations handed down by both the Federal and State governments. Some of these regulations were worthwhile. Others were not.

Despite their relative merits, all invariably resulted in the de facto taxation of my constituents. While I support legislation to rectify this situation, I am worried that H.R. 5, as supported by my colleagues on the other side of the aisle, will not adequately solve the problem.

During markup of H.R. 5 by the Committee on Government Reform and Oversight, on which I serve, it became clear that this bill could actually weaken current health and safety laws. None of us should support that outcome.

My colleagues on the other side of the aisle are making a big mistake by pushing through major legislation like the unfunded mandates bill in the first 100 days of this session by rushing this legislation without thinking it through.

Let's talk about it. Let's amend this bill and hopefully the House will support some of those amendments.

WORKPLACE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today we begin the debate on the issues surrounding H.R. 5, the Unfunded Mandate Reform Act. As we consider this matter, let us not be blind supporters of a bill that may threaten the well-being of Americans, a bill that seems to threaten to eliminate Federal standards for workplace safety. Mr. Speaker, safety in the workplace has been a priority for the Federal Government since 1938, when President Roosevelt signed into law the Fair Labor Standards Act.

Subsequently, in 1970, with the passage of the Occupational Safety and Health Act, this commitment to high standards for the safety of our workers was solidified. I believe that laws such as these should be exempt from the provisions set out in H.R. 5. In fact, the sponsors claim that the safety and health areas are excluded. As a former county official, I am very sensitive to, and well acquainted with the potential financial and administrative burdens that Federal unfunded mandates place on State governments. I strongly believe, however, that when giving thought to reducing those burdens, we do not sacrifice the rights of American workers.

Entities within the Sates, sometimes, because of other pressures and interests, fail to follow minimum standards of safety, and fail to adequately protect the public. That is why the Federal Government has historically exercised a role in the area of health and safety. I am reminded, for example, of the Hamlet fire that occurred in my home State of North Carolina in 1991. Two hundred people were at work that day in a chicken processing plant, mostly young women, trying to support families. Suddenly, a hydraulic hose broke, its oil catching fire when it hit an open flame used to boil oil to fry the chicken.

Twenty-five workers lost their lives. The owner was found guilty of manslaughter, and numerous safety violations were found. I am proud to say that after the fire my home State of North Carolina met the responsibility headon, doubling its number of OSHA inspectors and putting nine million more dollars of funding into the program to ensure that we met the Federal standards, that we protected the public.

It should not take a tragedy like the fire in North Carolina, however, to spur entities on in their responsibility. States can benefit from and these entities, public and private, and need Federal imposition of minimum health and safety standards. I intend to sponsor an amendment that will make clear that Federal workplace safety standards will not be abandoned by language that is overreaching and overly broad. If we pass the Unfunded Mandate Reform Act without making that principle clear, we may find that on worker health and safety issues we have turned the clock back more than half a century. Without an express and specific exemption for workplace safety laws, that step back in time is a real possibility. More importantly, it will become a real possibility as soon as the unfunded mandate law takes effect. That is because we are sure to be considering the basic workplace safety laws during this and future sessions.

It should not escape our attention, Mr. Speaker, that workplace safety laws were first adopted by the States. Massachusetts passed the first law in 1877. By 1890, 21 States had passed occupational safety and health laws, and by 1920 every State in the Union had enacted such a law. But these laws did not go far enough. These laws lacked the teeth to adequately protect the public and workers on the job. That is why the Federal Government stepped in.

Before the enactment of the Fair Labor Standards Act and, ultimately, the Occupational Safety and Health Act, there were an estimated 14,500 persons killed annually as a result of accidents on the job. Another 2.2 million workers were disabled on the job each year, causing the loss of some 250 million employee work days. And some 390,000 new cases of occupational diseases occurred on an annual basis. As a consequence of these deaths and injuries, more than $1.5 billion was wasted each year in lost wages, and the Nation lost an estimated $8 billion from its gross national product.

It is obvious, therefore, Mr. Speaker, that the issue of workplace safety is an issue which we in the Congress have a right, indeed a constitutional duty, to insure.

The cost to the States of meeting the minimum standards imposed by the Federal Government are not so severe as to abandon this very important principle. Indeed, the Federal Government pays for the workplace safety inspectors. But, the cost to the public if we abdicate our responsibility and surrender workplace safety protections can be quite severe.

Just ask the families and friends of those who died in the Hamlet fire. Just ask the loved ones of those whose lives were cut short or whose limbs were lost before we imposed minimum standards. Mr. Speaker, this is not a matter that should be rushed through and rubber stamped because some Members believe it is more important to make some point in 100 days than it is to save 100 lives. I hope every reasonable amendment will be considered as we seek to perfect this bill. The public is entitled to nothing less.

□ 1540

UNFUNDED MANDATES

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I come here today to talk about a very important issue that impacts the 17,000 towns and cities that I have had the honor of being involved with as a city council member but also as a member of the board of directors of the National League of Cities. We must protect our Nation's cities from any tendencies this governing body may have of shifting the cost of federally mandated programs to our lower levels of government. I have been there. I know what it means to balance the budget. As a former member of the Houston City Council, I can testify to those frustrations and the hard work they put in when we attempt to work with the needs of our community.

The local government must face the times when they have to have a strict budget and a budget that complies with the laws of that particular community. So there must be a need to understand the burden it puts on those local jurisdictions when Congress dictates legislation that they have to pay for.

My concerns over the issue of unfunded mandates arise particularly in light of current debates over the past decade of a balanced budget constitutional amendment. If the amendment is passed, Congress will be forced to tighten its financial belt, which is something that none of us would argue as unnecessary.

But at the same time, we all know that Congress will continue to make laws and many of these laws will undoubtedly carry with them the mandate of enforcement without the backing of the Federal check if we do not pass a protective law such as the one we are passing today on unfunded mandates.

However, I think there are concerns we raise on H.R. 5, and that is we all want to have clean water; we want to have safe food; and we want to have a fair working standard. So it is important that we must not overburden our local governments.

Yes, we must not overburden our local governments to pay for regulatory matters sent down from the Federal Government that are unfunded, but shall we outlaw regulations which are partially funded? Regulations which are important protective measures for our environment, health, and safety?

We do need to look at the issue of unfunded mandates, especially as they may pertain to the increased frequency expected to accompany a passed balanced budget amendment. We must also stop to realize that we cannot fully fund all of the measures that we need to pass, and that perhaps we can send them to the local governments at least partially funded rather than the current trend of sending them unfunded.

THE FREEDOM AND SELF-DETERMINATION FOR THE FORMER SOVIET UNION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, on Friday, I introduced H.R. 519, the Freedom and Self-Determination for the Former Soviet Union Act. It is so entitled because enactment of the bill into law would greatly help to reverse the trend in the former Soviet Union toward renewed Russian imperialism. That trend is being fueled by a Russocentric United States

foreign policy which appeases Russia's every move and ignores the legitimate security concerns of Russia's neighbors. A major aspect of that Russocentric policy is the massive and unconditional aid that we have been pumping into Russia for over 3 years. Continuing to give Russia this assistance despite her increasingly aggressive foreign policy, arms-control violations, statist economic policies, and now her brutal attack on Chechnya sends the message that we approve of these reactionary policies. We need to send the message that we don't approve and that is why I introduced this bill.

Mr. Speaker, no one disputes that a democratic, capitalist Russia that has shed the imperial mentality would be greatly in our interest. The question has always been how, or ever whether, we could help. I have long been skeptical as to even whether we could help, given the transmogrification of Russia at the hands of the Communists, her 1,000-year legacy of autocracy, statism and imperialism, her vast size, her traditional reclusiveness, and of course, the massive and irrefutable failure of foreign aid worldwide throughout the postwar era. However, given the gravity of the situation, even I was willing to support some aid to Russia after Yeltsin and Gaidar embarked on shock therapy in January 1992.

But Mr. Speaker, it is time for us to admit the reality that the reform effort in Russia has failed, and along with it, our aid program. Russia today is not the Russia of 1992 or even 1993, a country racing full speed ahead away from Communism and toward democracy, free markets, and a Western-oriented foreign policy. Today' Russia is one again reactionary.

Let's look at it objectively. Shock therapy was abandoned within weeks of its inception. A purge of economic liberals in the government began in April 1992 and was completed by January 1994. Today, the only liberal in the government is Anatoly Chubais, and he can't even get his subordinates to return his phone calls.

But isn't Yeltsin still a reformer? If so, why then after the ruble crash last September, did Yeltsin replace old thinkers at the Central Bank and Finance Ministry with, well, more old thinkers? The fact is, Mr. Speaker, there are no economic reformers and there is no economic reform in Russia. The history of pouring foreign aid into countries that are not serious about economic reform is a sad one, and it would be folly if we were to ignore this lesson now. When speaking of ways to balance the budget, this is truly a gimme spending cut.

But the story does not even end with the fact that Russia is a black hole and that we need to balance our budget. We must look at this from a foreign policy perspective. Indeed, the whole rationale for our aid program was that it would turn Russia into a better neighbor, right? Well, let's look at Russia's behavior since we started appropriating the billions of dollars.

Russia has vetoed NATO expansion and made implicit threats against Poland and other would-be members. Russia has attempted to subordinate NATO to the OSCE while simultaneously impeding OSCE efforts in Moldova and Nagorno-Karabakh. Russia illegally demobilized thousands of troops in Estonia and Latvia just prior to the troop withdrawal deadline last August. Russia illegally has begun the unilateral demarcation of the Russian-Estonian border. Russia routinely violates Lithuanian territory ferrying troops and arms to the Kaliningrad region. Russia continues to occupy Moldova with 10,000 troops and enough weaponry for a 200,000-man army. Russia used classic Soviet-style divide-and rule tactics to bring Georgia to heel, and is now preparing to occupy the country militarily. Russia helped depose the democratically elected President of Azerbaijan, Mr. Elchibey. Russia has blatantly interfered in the sovereign commercial affairs of Kazakhstan and Azerbaijan. Russia supports a reactionary Communist regime in Tajikstan which overthrew the legitimate government there in 1992. Recent Russian policies and statements reflect clearly a trend toward, indeed a near-obsession with, the re-integration of the CIS states into some form of Russian-dominated union.

And it goes beyond the former Soviet Union, Mr. Speaker. Russia continues to supply arms to Syria, Iran, and possibly, Serbia. Russia is diligently seeking to emasculate the sanctions against Iraq. Russia is providing economic aid and intelligence information to Castro. On to arms control, it has been known for a long time now that Russia is violating the 1972 Biological Weapons Convention and the 1989 MOU on chemical arms. She is also seeking to wiggle out of the CFE accords, due to take effect in November. As we pay Russia to destroy old and obsolete nuclear weapons, she continues work on a new generation of nukes. And what about intelligence activities? Russia has still not come clean on the Ames spy case and has even provided money to Rosario Ames.

I am nearly out of breath, but unfortunately, I am not done yet. Because I haven't even alluded to the awful events in Chechnya. No matter where one comes down on the question of Russia's territorial integrity, the methods of Russia in Chechnya can only be described as barbaric and despicable. They have razed a city to the ground with indiscriminate aerial attacks. They have wantonly killed woman, children, and the elderly. And finally, the fact that the overwhelming majority of Russian citizens opposed the invasion of Chechnya speaks volumes about the extent of democratization in Russia.

Mr. Speaker, in light of all this, how can we say with a straight face that Russia is a democracy? Is reformist? Is a strategic partner with the West? How can we say that our aid has done any good? How can we paint Russia as a deserving recipient of taxpayer largesse? How can we justify this to the people who sent us here on November 8?

I can't, and that is why I have introduced this legislation. My bill would immediately freeze all bilateral aid to Russia, including previously appropriated and obligated funds, pending Presidential certification to Congress that Russia has met 14 conditions. The conditions pertain to Russia foreign policy, arms control policy, economic policy, and intelligence activities. In order to receive aid, Russia would have to halt the violence in Chechnya, cease interfering in her neighbors affairs, comply with all arms control agreements, limit her intelligence activities to routine, nonadversarial information gathering, end arms sales to terrorist nations, stop aiding Castro, and re-initiate capitalist economic reform.

The bill would also require the executive branch to oppose all multilateral loans to Russia. Both the President and the GAO would also be required to submit reports to Congress concerning the money we have given Russia to date. The taxpayers have a right to know what happened to this money. There are exemptions in the bill for humanitarian aid, certain exchanges, NED programs, and disarmament funds.

Mr. Speaker, the Freedom and Self-Determination for the Former Soviet Union Act will send a powerful message to Russia that in exchange for American assistance, certain standards of behavior must be met. This will prop up, not undercut, Russian reformers. To date, they have had no good reason to say no to the reactionaries. This policy will help shore up the sovereignty and security of Russia's neighbors. This policy will increase the security of Americans by limiting Russian spying, ensuring Russian arms control compliance, and reducing Russian assistance to terrorist nations.

And if Russia doesn't comply and the aid is cut off forever, it is still a winning situation for everyone concerned. Cutting off aid permanently will enhance the prospects for Russian reform by removing the crutch that has obviated them of the need to make the tough but necessary economic decisions. More importantly, it will save American workers from wasting their money on a country that we cannot save, is doing so little to save itself and is doing so much harm to so many people.

UNFUNDED MANDATE REFORM ACT OF 1995

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, I have serious concerns regarding H.R. 5, the Unfunded Mandate Reform Act of 1995. While I am generally supportive of the need to ease the burden on State and local governments, I do not believe we should rush through legislation that effects our health, safety, and environmental standards without closer examination.

The Great Lakes region, for example, is a fragile ecosystem which depends on the cooperation of its surrounding States. Dumping of sewage or other toxins by one State or municipality significantly impacts the entire Great Lakes region. Pollution does not respect State, geographic or political boundaries. Who then pays for—let's say—airborne pollutants generated in one State, which land in and produce acid rain in neighboring States?

Northern Michigan is a pristine region whose inland lakes are dying from airborne pollutants originating in steel mills in cities such as Gary, IN, and Chicago, IL. Without any Federal safeguards or minimal national standards, which State will take the lead in stopping this air pollution that creates acid rain. And more importantly, which State would pay, Michigan, Indiana, or Illinois? These are questions that must be answered, not ignored in the haste, to create unfunded mandates legislation.

CONSEQUENCES OF FEDERAL SPENDING CUTS BROUGHT ABOUT BY REPUBLICAN CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, 2 weeks ago the Republican majority leader, DICK ARMEY of Texas, was asked on one of the Sunday morning talk shows why the Republicans would not disclose to the American people what kind of cuts in Federal spending would come with the Republican Contract With America. The gentleman from Texas [Mr. ARMEY], who has a tendency to be very candid, to a fault at times, said he felt that the knees of the Members of Congress would buckle if they learned what kind of cuts are in store for us if we follow the Republican Contract With America.

Mr. ARMEY'S candor was criticized by some of his fellow Republicans, but frankly I think he was right on the mark. My office has just completed an analysis of the Republican Contract With America and the impact which it will have on my home State of Illinois. I would like those from this State to listen, but from other States to consider there will be similar impacts on their own home State if the Republican Contract With America is in fact enacted.

We took a look at just four or five areas that I think are critically important. First is in the area of health services for children and seniors. To reach the necessary 30-percent cut in Federal spending required by the Republican contract, Medicare and Medicaid funding in Illinois and across the Nation would be slashed in Illinois by $27 billion over 7 years. What it means is that literally thousands of poor families in my home State now under Medicaid, the government health insurance program for poor people, would become uninsured, and it means that many hospitals, particularly smaller and rural hospitals, which are greatly dependent on Medicare patients, would be forced to close their doors.

I have spoken to some of the hospital administrators. What I have just said is not an exaggeration. A 30-percent cut in Medicare would hurt seniors, it would close hospital doors in many of our rural areas and in many of our inner city areas.

The second area of real concern to me is in the area of education. My home State of Illinois would take a big hit from the Republican Contract With America. Under this contract, programs for disadvantaged students would take a 30-percent cut. Some may ask why kind of program is that. It is a program like chapter I, a special tutorial program that takes a child about to drop out or fall behind and puts them through special training to catch up with the class and stay in school.

These programs work. In my county of Sangamon County, IL and downstate Illinois we would lose with the Republican Contract With America $900,000 a year in Federal aid to education. Madison County nearby would lose $1.9 million. It would mean school administrators would have to either eliminate or cut back the programs or ask for increases in local property taxes, something I am sure we all agree is not popular and something we would not want to encourage.

Take a look at highway construction. A lot of States and localities are used to the Federal Government building highways and building bridges and rebuilding and repairing them and think nothing of it.

□ 1550

If the Republican Contract With America goes through and we see a 30-percent cut, we will see a dramatic downturn in the amount of money available for Illinois and other States for highway construction. Mass transit is the same. In the city of Chicago, the Republican Contract With America will raise the fares for Chicago workers using mass transit every day 15 cents a day. You say, ''Well, 15 cents a day is not much, two people working in a household. Add it up and then put it against the supposed tax break the Republicans are offering. There is not much there to show for it.''

When it comes to nutrition services, we can expect cuts in the WIC program, a program which serves 40 percent of the infants in America, brings the mothers in during their pregnancy, gives them nutrition information and good guidance for a healthy baby, then brings the mother and baby in after birth and says here is the way to get that baby off on the right foot, with immunizations, good nutrition, a healthy baby, something I think every American wants to see.

The Republican Contract With America will cut that program, will basically eliminate mothers and infants from the program. It follows as night follows day.

The same thing is true for Meals on Wheels. How many senior citizens do we know whose only contact with the outside world is Meals on Wheels? It drops by once a day to say hello, how are you doing, how are you feeling, do you need a helping hand. Those start to go away with this Republican vision of a new America.

In my area of the world, a lot of our farmers depend on Federal spending, not just for their feed grains programs but also for soil and water conservation. These programs help farmers to avoid runoff which can contaminate our water supplies and lead to real problems downstream.

As the Republicans' Contract for America cuts back on this kind of spending, we are literally taking a gamble and a chance with our own health in the future.

These are but four or five examples of what happens in the State of Illinois. This story is repeated many times.

So when Members of the Republicans majority come to the floor and glibly tell us unfunded mandates and balanced-budget amendments do not mean much but a brighter future, ask them for the details.

Our knees are not going to buckle, but we deserve the facts.

INTRODUCTION OF LEGISLATION TO REQUIRE THE PRESIDENT TO SUBMIT A BALANCED BUDGET

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, many have argued that we must amend our Constitution to stop us from spending more than we take in. But few, if any, have actually submitted a balanced budget.

I believe in a balanced budget, but I also believe in full and fair disclosure.

Today I am introducing a bill, H.R. 567, which would require the President to submit, and the Congress to consider, a balanced budget. Unlike bills which will be considered by the House next week, my bill would actually mandate the submission and the consideration of a balanced budget. The so-called balanced-budget amendment to the Constitution would not mandate such consideration and, in fact, provide a loophole that you could drive a beer truck through.

Both the Barton and Stenholm amendments would allow the Congress to waive the amendment in order to either raise taxes or sell debt to fund the deficit.

Neither amendment would take effect until 2002.

My bill would go into effect immediately for the next budget for fiscal year 1997.

How many billions might we save if we could achieve a balanced budget by fiscal year 1997 instead of 2002?

Finally, and most importantly, my bill would allow for the American people to enter into the debate on a balanced budget. Unlike others, my bill would provide for the presentation to the American people of the actual numbers, the cuts, to a balanced budget. The other bills only tell us to balance the budget and give us a waiver to avoid it. It does not tell us what an actual balanced budget looks like, and I do not believe that is prudent.

When the proponents of a balanced-budget amendment state the cuts necessary would ''make your knees buckle,'' then the people deserve to know what they are.

The President should submit a balanced budget. The American people should examine that budget, and the Congress should debate and vote on it.

Mr. Speaker, I am including at this point in the RECORD a copy of the bill which I am introducing, as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENT TO TITLE 31, UNITED STATES CODE

SEC. 101. SUBMISSION OF BALANCED BUDGET BY THE PRESIDENT.

Section 1105 of title 31, United States Code, is amended by inserting at the end the following new subsection:

''(g)(1) Except as provided by paragraph (2), any budget submitted to Congress pursuant to subsection (a) for the ensuing fiscal year shall not be in deficit.

''(2) For any fiscal year with respect to which the President determines that it is infeasible to submit a budget in compliance with paragraph (1), the President shall submit on the same day two budgets, one of which shall be in compliance with paragraph (1), together with written reasons in support of that determination.''.

TITLE II—AMENDMENT TO CONGRESSIONAL BUDGET ACT OF 1974

SEC. 201. REPORTING OF BALANCED BUDGET BY COMMITTEES ON THE BUDGET OF THE HOUSE OF REPRESENTATIVES AND SENATE.

Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end the following new subsection:

''(j) REPORTING OF BALANCED BUDGETS.—

''(1) Except as provided by paragraph (2), the concurrent resolution on the budget for a fiscal year referred to in subsection (a) as reported by the Committee on the Budget of each House shall not be in deficit.

''(2) For any fiscal year with respect to which the Committee on the Budget of either House determines that it is infeasible to report a concurrent resolution on the budget in compliance with paragraph (1) and includes written reasons in support of that determination in its report accompanying a concurrent resolution on the budget, the committee shall report two concurrent resolutions on the budget, one of which shall be in compliance with paragraph (1).

''(3) Each concurrent resolution on the budget reported by the Committee on the Budget of either House shall contain reconciliation directives described in section 310 necessary to effectuate the provisions and requirements of such resolution.''.

SEC. 202. PROCEDURE IN THE HOUSE OF REPRESENTATIVES.

Section 305(a) of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''(8)(A) If the Committee on Rules of the House of Representatives reports any rule or order providing for the consideration of any concurrent resolution on the budget for a fiscal year, then it shall also, within the same rule or order, provide for—

''(i) the consideration of the text of any concurrent resolution on the budget for that fiscal year reported by the Committee on the Budget of the House of Representatives pursuant to section 301(j); and

''(ii) the consideration of the text of each concurrent resolution on the budget as introduced by the Majority Leader pursuant to subparagraph (B);

and such rule or order shall assure that a separate vote occurs on each such budget.

''(B) The Majority Leader of the House of Representatives shall introduce a concurrent resolution on the budget reflecting, without substantive revision, each budget submitted by the President pursuant to section 1105(g) of title 31, United States Code, as soon as practical after its submission.''.

SEC. 203. PROCEDURE IN THE SENATE.

Section 305(b) of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''(7) Notwithstanding any other rule, it shall always be in order in the Senate to consider an amendment to a concurrent resolution on the budget for a fiscal year comprising the text of any budget submitted by the President for that fiscal year as described in section 1105(g)(1) of title 31, United States Code, and, whenever applicable, an amendment comprising the text of any other budget submitted by the President for that fiscal year as described in section 1105(g)(2) of title 31, United States Code.''.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by it shall become effective for fiscal year 1997 budget submitted by the President as required by section 1105(a) of title 31, United States Code.

CHANGING THE DIRECTION OF GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, it is truly an honor to have been elected to this great institution with an opportunity to make real changes this year, because I believe, like so many other colleagues on both sides of the aisle, that the American hour is upon us, that now is the time for us to decide once and for all which direction we are going to take this Government, whether we are going to follow the same failed policies that have hurt this country over the past 30 years where we turned to Government to answer every single problem we have in our towns and in our counties and in our States, or whether we, instead, turn back to those simple, basic premises that our Founding Fathers laid as the foundation of this great Republic.

James Madison wrote over 200 years ago as he was framing the Constitution, ''We have staked the very existence of the American civilization not upon the power of government but upon the capacity of each of us to govern ourselves, to control ourselves and sustain ourselves according to the Ten Commandments of God.''

And Thomas Jefferson wrote, ''Government that governs least governs best.''

And what does our 10th amendment say? It says all powers not specifically given to the Federal government are reserved by the States and the citizens.

Well, what has happened? Where have we gone in the past 40 years? We keep turning back to government.

I could not help but hear one of the previous speakers talking about all the horrible things that would happen if we actually dared to try to balance our budget, like children would starve, grandparents would be kicked out in the streets, locusts would descend upon Washington.

Let me tell you something, this is not the type of government that Thomas Jefferson and James Madison and George Washington and Benjamin Franklin and our Founding Fathers intended for this country. It was about individualism. It was about the power of communities and families working together, not looking to Washington to try to figure out every single problem, but to band together as a community and as a family and as a State.

But that was the whole idea of States' rights. That is what the Federalist Papers were all about, about the power of States to conduct a type of welfare reform or conduct a type of health care reform that they wanted to conduct instead of having one highly centralized government unit.

Is that not what we were trying to get away from when we had a Revolution over 200 years ago, to get away from King George III, to allow families, individuals and communities to once again decide their own destiny, instead of having the Federal Government that tells us what doctor we want to choose, how we want to protect our family, and now, with these other reforms, how we want to take care of education? It just does not make sense.

And you know what? A year ago I was sitting on the couch, and as a citizen, I got fed up, Mr. Speaker, and said enough is enough, I want to take part in this process; I do not care whether I win or lose, I want my voice to be heard, and I thought it was a unique story. I did not have a lot of money. I did not have a lot of traditional support. I just had ideas.

And I thought they were my ideas and my ideas alone until I came here and found out that 85 others had similar type ideas.

And what had happened was everybody started talking, whether it was on C–SPAN or on talk radio or on E-mail or through faxes; citizens in this country became empowered, and because of it, we were able to speak as one voice without lobbyists in our camp, without the traditional party power brokers on the local level in our camps. We were able to do it on ideas and ideas alone, and because of that, we have an unparalleled opportunity in the 104th Congress to make real changes and make real reforms.

It starts by balancing the Federal budget. It starts by doing what middle class families have had to do for 40 years, and for what State legislators have had to do for 40 years, but what this Federal Government has failed to do since 1969.

It is a very simple premise, and yet if you hear supply-side economics professors talk on one hand, it can make your head swim. If you hear Keynesian economics professors talk on the other side of the matter, you say, well, how do those numbers add up. What we are trying to do is have a very simple economic theory, and it goes like this: You only spend as much money as you take in. What is so radical about that

concept? Why is it that when we want to act the way middle class Americans act we are called the enemies of children, the enemies of education, the enemies of farmers, the enemies of grandparents, and the enemies of all things that are right, noble, and just?

□ 1600

I have got a 91-year-old grandmother who gets $350 per month. I do not want to kick her out into the streets. I am not going to vote to kick her out into the streets.

I have a 7-year-old boy in first grade, and I do not want to hurt his chances in higher education. But does that mean we need a Federal bureaucracy telling school teachers in Pensacola, FL, or in Maine or in Washington State how to teach our children? No, it does not. That is what this revolution was all about.

Make no mistake of it, the 1994 election was a revolution of sorts. Do not let them revise history in a few months, do not let them start convincing you that all of a sudden these mean Republicans have come into town, or these conservative reformers have come into town and all of a sudden want to do all these things that they did not promise.

It is about a real revolution. Yet in a few weeks, inside the beltway, all that we have heard is what we cannot do and what we will not do and why we continue to do it.

I am here with other members of the freshman class to tell you that it can be done and it will be done, but only with citizens' help.

Mr. Speaker, I yield now to the gentleman from Kansas to address the House.

Mr. TIAHRT. Mr. Speaker, when I read the Federalist Papers, which Speaker GINGRICH has recommended to each of us, I am challenged because the Federalist Papers remind each of us who have received the honor of representing the people that we have also received the responsibility of representing them.

I am reminded how revolutionary the concept of a constitutional Republic was to the people of that time. They were engaged in a great experiment, an experiment in democracy.

In a sense, we are undertaking a new experiment in democracy. This new experiment is not so much about new ideals, but about tried and tested truths. For too long Washington has dictated to the people that they should do how they should do it. This Washington-knows-best attitude has grown exponentially during the last 40 years. Tragically during the same period of time, deficits have grown and Government now clearly is out of control.

However, leave it to the American to understand when it is time to act. The Constitution was the wise course of action for our Founding Fathers, and we are thankful for their wisdom.

Today Americans realize it is time, again, to act, that our Government has gone mad and has to be stopped. It is time to stop, look and listen; stop passing programs we cannot afford, look at the States and their examples of balanced budgets and ingenious new programs, and, finally, to listen to the people.

The answers to our problems are not found here in the beltway but in the hearts and the minds of the people who sent us here.

Mr. Speaker, Madison tells us in Federalist 39 that, ''In order to ascertain the real character of the Government, it may be considered in relation to the foundation on which it is to be established.''

What is that foundation? Mr. Speaker, it is the people.

Mr. HAYWORTH. If the gentleman would yield, I must rise and take exception to an article I read in one of this Nation's leading weekly magazines where some of the mentality that has handcuffed us for the last 40 years continues to be propagated throughout the land. Now, one of the leading news magazines in this country, we talk about the dangers of what it phrased as hyper-democracy. The notion that somehow letters to the editor and appearing on talk radio and sending us faxes and sending us E-mail, somehow it is just too mind boggling; somehow it will muddy the water and somehow it will take America down the wrong road.

Mr. Speaker, how on Earth can it be that a government which derives its powers from the consent of the governed can ever be led astray by the input of the governed? Mr. Speaker, to the people of America, we thank you for the mandate of November 8 and we ask the people of America to stay in tune, stay in touch, and stay on top of this revolution.

Mr. TIAHRT. Mr. Speaker, there is no more clear message from the people of the Fourth District of Kansas than that it is time to give government back to the people. They want to be closer to the decisions that are made, they do not want to be spectators in democracy, they want to be players on the field of ideas.

The freshman class and the new Republican majority are asking the people of Kansas and all Americans to come join the team. If we are going to be truly revolutionary, we need their help.

Ronald Reagan reminded us that the power comes from God to the people and from the people to government.

Mr. Speaker, if we want to change the country and get government off people's backs, all Americans must become an active part of this new experiment. They need to write letters to local papers, they need to get in touch with talk radio shows, they need to recruit, educate, and tell their friends and neighbors to all get involved.

What we have been given is a sobering responsibility to once and for all change the way this Government does its business.

The people must make sure that the power they gave us is used for their good and not for our good.

Let us not forget the revolutionary nature of those visionary thinkers who established this wonderful experiment in democracy. We must remember that the people who sent us here are the foundation because all too often the people have not been the foundation but the target, the target in the crosshairs of big, oppressive Government. The reforms that we passed the first day were the good first step in the right direction. Now, joining together with the people, we will work together to end unfunded mandates, work to have a strong tax limitation component and a balanced budget amendment.

I will support limiting the ability to raise taxes and will fight to make it a reality. This is not a time to scale back our goals. Rarely have the people of the Fourth District of Kansas and this country spoken with greater clarity.

Kansans want their Government to be responsive to them, and they want each of us to rise above parochial interests and return the government back to the people.

Mr. SCARBOROUGH. I thank the gentleman from Kansas. I could not help but be reminded, after hearing the gentleman from Arizona, about the press' criticism of this revolution of sorts that took place this year. I could not help but be reminded of an article that I just saw this past week in the Washington Post Weekend section, when they were trying to explain the revolution that took place from coast to coast and explain this hyper-democracy. To describe the American people, this columnist wrote, ''We are nostalgic, we are susceptible, we are poorly informed, we are alienated, we are fearful, we are confused.''

Well, excuse me, Mr. Speaker, if I am not mistaken, the American people had more access to information on this campaign than they have ever had in the history of the Republic. Between the rise of talk radio and CNN and C-SPAN and other media outlets, this was a truly open political process. To write, as this columnist did, that this revolution happened because we are poorly informed, we are alienated, we are confused, is absolutely inexplicable.

It reminds me of what happened in the early 1980's when this Government, once before, tried to cut back the size and scope of the Federal Government. Before the first cuts were made, there was an article in Newsweek that had a picture of a poor, pathetic, hungry, dirty young girl. What was the headline? ''Reagan's poor.''

He had been President for a year, and already he was being saddled with this as being his fault because he was proposing cuts.

And what did we see over Christmas on the front pages of weekly magazines? Was it stories about how we can balance the budget, how we can put an

end to 40 years of madness, of tax and spend, tax and spend, tax and spend policy? No. It was a cartoon with a caption: ''The Gingrich that stole Christmas.''

Really original, really cute, but it had absolutely nothing to do with how we were going to handle the tasks in front of us. We have been hearing for the past few weeks Members on the other side of the aisle come before the Speaker and talk about everything but specific cuts and on the need to balance the budget.

□ 1610

We have heard complaints about the fact that we did not spell out every single penny we were going to cut from the budget for the next 40 years. We have heard references to GOPAC. We have heard references to the Historian and an article she wrote 10–15 years ago. We have heard references to NEWT's mom. We have heard references to everything but what is germane and central to this very important discussion, and I yield now, to go into this further about specific cuts, to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, it is a pleasure to be able to address this body, and it is a pleasure to be able to be a new Member of this body. It reminds me of all the newness, that perhaps there also is something else new, that perhaps the new federalists, to take a phrase from the gentleman from Florida that was used before, that we are the new federalists coming into Washington with an idea of less government, with an idea that government is governing too much on the people, with the ideas that Thomas Jefferson put forward, that many of us, as quoted frequently and often before.

One of my favorite Jefferson quotes is him saying that the moments for great innovation in society are few and far between. I think we are at one of those great moments where society has spoken with such great clarity that they want much less government, that they want a reformed Congress, that they want a return to the basic values that built the country, values of work, values of family, a recognition of a higher moral authority. It seems to me that that is what the people said on November 8. They wanted to reduce the Federal Government, reform the Congress, return to basic values.

I think we were sent here to this new Congress not to make the Federal Government work and do more with less. We were sent here to make less government. Republicans did not seize the majority because the other party did a poor job of trying to run the country from Washington. We won because they tried to run the country from Washington, and you know this country is just too big, too diverse, and its people love freedom too much for that to work. In a free society government is the people's servant, not its master. You know today the U.S. Government employs more people than we do in the manufacturing sector all told. We have more people working for the Government than we do making tractors, and tires, and computers. That is just insane. The fact is there are more Government departments and agencies which I believe could be completely abolished without American citizens even knowing. In fact, the public would be better served if most of the decisions government makes were instead left up to individuals, and families, and communities. Government today collects more taxes, spends more moneys, and issues more regulations than ever before. We have never had so many laws, or agencies, or regulations. Even through the Reagan and Bush administrations not a single Cabinet-level agency was abolished. In fact, one was added.

The growth of government has been slowed, but it has not been stopped. It now must be reversed. We must question the entire existence of many of the bureaucracies. Merely trimming a branch from the tree will not be sufficient. I think we are going to need to work to pull out the whole tree, roots and branches, if necessary. With this approach we can certainly find enough savings to balance the Federal budget and return money to the taxpayers, which is what we should do, which is what the goal of the new federalists should be.

But the most important point in this new paradigm is that these cuts are not just about paying. They are about freedom. They are about opportunity for a new society. They are about a new relationship between the Federal Government and its people, and that is the vision that we need to deliver to the American people, that new vision, that new relationship, that less government dependence is more personal freedom and that freedom to express, to grow, is what has made America in the past. That is what will make America grow even greater into the future.

Mr. Speaker, remember always the Government actually produces nothing. Government cannot give until it takes away. We must never forget this central premise. We need to get the Federal Government off the back of the people and out of their pockets, and that should be a goal of the new federalists.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Kansas not only for his comments, especially about freedom, because during my campaign there was actually an opponent of mine that gave one of the finest speeches I think I have heard, and it was about freedom. He said what we need to do in Washington is make cuts in spending and regulations, not because we want to hurt people, but because it is about freedom, and then he reminded us what Americans have done over the years to fight for freedom, that it was freedom that we were fighting about at Iwo Jima, and it was freedom in Khe Sanh, and it was freedom over these 200 years, and it is that freedom now that we have to fight for, like the gentleman said, talking about those trees.

Mr. BROWNBACK. If the gentleman would yield back, my point with this is that so much of the time when we talk about cutting the Government we absolutely must do this, too. It is insane to run $200 billion annual deficits and put that on the backs of my children and grandchildren to come. That is wrong. That is morally wrong to do that. At this point in time in our history it is wrong.

But instead of focusing all the time, as we do so much of it on saying, ''OK, this cut is going to hit here, this one is going to hit there, it's going to hit here,'' what about all the liberation that takes place with that? What about all the freedom of the people? I think this has been an insidious relationship between the Government and its people over time, that it has grown and strengthened those bonds and surrounding us to the point that the Government has become our master and not our servant, and it is time to cut those shackles off. It is time in many cases to pull the whole tree up instead of saying we are going to cut the little branch off. Here it may be time, and it is time, I believe, to cut the hole and pull the whole tree up to give that freedom back. and let us talk about the freedom and the opportunity that that will yield to America and to this society and the growth that that is going to create, the entrepreneurial spirit that that will create for us instead of the, well, what is it going to do here and this for you? What about this particular program? What about that? That is the narrow. The bigger picture is much prettier.

Mr. SCARBOROUGH. If the gentleman would yield back, I cannot help but think about one particular agency in general, and I know, without getting into the specifics, I have wondered what has been happening with the Department of Education, a bureaucracy that has not been around for 200 years, but since its inception and since it achieved Cabinet-level position, look what has happened in our schools. Look what has happened to our young people. As our Speaker has been saying for so long, we live in a country where 12-year-olds are having babies, where 15-year-olds are shooting each other, where 17-year-olds are dying of AIDS, and where 18-year-olds graduate from high schools with diplomas they cannot even read. What has this Federal bureaucracy that was supposed to help our children done for us for all the money that has been poured into it over the years?

Mr. BROWNBACK. I think it is a legitimate question, one that we have not asked, one that needs to be asked, and I hope that we, as Members of this new 104th Congress, will be asking that very question of that agency and many others. What is it indeed that has occurred here, and should we continue it, or should it be stopped?

Mr. SCARBOROUGH. I thank the gentleman from Kansas, and I now yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, on January 4 we witnessed an historical change here on the floor of the House of Representatives when Republicans took control after 40 years. On that day the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader, passed the gavel and eloquently called for a new era of debate to begin.

□ 1620

Well, the freshman class was eager to engage in that debate. We passed nine bills the first day. I was proud to introduce the first one. And that included the Shays Act, which makes government live under the same laws as all the rest of Americans.

We are keeping our promises to the American people. And this week the debate will continue. We will vote on unfunded mandates, and I believe they will pass, and they are necessary.

The States need to be assured that the Federal Government does not balance its budget on the backs of the States, and that is what the unfunded mandate legislation is all about.

Next week we will vote on the balanced budget amendment with tax limitations. Over 80 percent of the American people support a balanced budget amendment. Inside the beltway, this is a great cause of concern. Back home in Michigan, we call it common sense.

In addition, many of us have sought to protect the American people from further tax increases by supporting the tax limitation amendment. The provision will ensure that Congress will not and cannot balance the budget on the backs of its citizens.

Such a provision would force lawmakers to balance the budget the same as millions of American families do every day. Hard working Americans do not have the benefit of spending more than they take in, and neither should their Federal Government.

We are looking pass the first 100 days, and certainly the distinguished gentleman from Kansas talked about the Department of Education. The Department of Energy would be another consideration, privatizing HUD and maybe the Department of Commerce. We need to rethink government at every single level. We will not lose our focus, because we work for you, the American people.

Mr. SCARBOROUGH. I thank the gentleman from Michigan. I would like to recognize and yield to the gentleman from Nebraska.

Mr. CHRISTENSEN. I thank the gentleman from Florida. You know, very soon we have the opportunity to stand and deliver to the American people. Recently we talked about the Contract With America, that we would bring to vote the 10 items within the Contract With America. And one of those items within that contract was the balanced budget amendment, something I campaigned for for a very long time.

But, Mr. Speaker, not just any kind of balanced budget amendment, a balanced budget amendment that has taxpayer protection as its centerpiece. The taxpayer protection I am talking about is the three-fifths super majority.

But what does that really mean? It means that it is going to take 290 votes to pass any future tax increase, 290. That is very important, you see, because currently it only takes 218 votes to pass a tax increase, a simple majority.

Now, some in this body would say don't handcuff the Federal Government by tying our hands so that they can't raise taxes when they run out of revenue and just make it very easy for them to go ahead and pass another tax increase. But, Mr. Speaker, that is exactly why we need the three-fifths super majority for future tax increases, so it is going to make it tough to raise taxes in the future, so that when they do run out of revenue they can't just turn to raising taxes on the backs of the American working man and woman. They are going to have to look at the other side. They are going to have to cut spending and look at other ideas to make the books balance.

One of the things that I have talked about for along time is that this Congress should operate like a business. They should balance the books like every business balances the books. They should run their budget like a hard working man and woman working together to balance the books of their own family.

You know, on November 8 the American people sent us a message. They said enough is enough. It is no longer big government. We are going to send in the conservatives. And we are here. But the protection that I am worried about is after we are gone. Some of us are going to move on to the private sector. Some of us are going to move on to other offices. Some of us are going to do other things. And what about the protection for the American taxpayer when the 104th freshman class is no longer here to speak for the American taxpayer? And that is why we need a three-fifths super majority.

You know, I have heard for a long time that liberals in this House have said that you just can't handcuff us. You cannot handcuff us. Well, Mr. Speaker, that is exactly what we need to do. We need not only to handcuff the people of this institution, but we need to throw away the key, so that no longer can they do it with a simple majority. Three-fifths is the magic number, 290 is the vote. Whether you are a business executive or a homemaker, we need your help more than ever. We need to energize the troops. We need to have you call on your Representatives, because we want to make it tough, because we wanted the books balanced, and we want a good, tough, strong balanced budget amendment.

Mr. SCARBOROUGH. I would like to ask the gentleman from Nebraska if he is persuaded by the arguments that he has been hearing about the reasons why we need to go ahead and cave in and not support this three-fifths majority for a tax increase in the balanced budget amendment.

It seems to me I have heard time and time again, you cannot support that, because it will never pass. It will never fly on the other side. The Senate will not pass that bill with a three-fifths majority requirement.

I say let them vote on it when it comes in front of them. I think any conservative, any fiscal conservative, whether he or she be a Democrat or a Republican, would be hard pressed to vote against a taxpayer protection plan like this three-fifths majority includes in it.

Mr. CHRISTENSEN. If the gentleman will yield, that is exactly what this is all about. I am not worried about what the other body is going to do. We have 230 votes on here. We have to find another 60 to make it 290.

Once we do that, the ball is in their court. But we have stood and delivered to the American taxpayer. That is what we were sent here to do: Stand up for the little guy, stand up for the hard-working man and woman who are out there fighting under the taxation and regulation of this Federal bureaucracy, who do not know what makes this country run.

This country was founded on free enterprise, on the principles of capitalism, and we need to return that power back to the people, and that is what they said to this Congressman from Omaha, NE, on November 8.

Mr. SCARBOROUGH. I would like to ask the gentleman from Nebraska one final question: Were you elected in Nebraska by your constituents because of your ability to read the minds of the Members of the Senate on how they would vote on particular bills?

Mr. CHRISTENSEN. If the gentleman from Florida would yield, I was elected from Omaha, NE, because I was going to come back here to Washington, DC, fight for the little guy, relieve some taxation from this body, so the American man and woman would have an opportunity to put money away on the weekend, to put money away at the end of the month, to put money away at the end of their years for their future retirement, to pay the bills, to send their kids to college, and that is exactly what this body is going to do. And I am proud to say I am a member of the conservative 104th class. And we are going to change the way this body does business, because we mean what we say, and we are looking forward to making it happen.

Mr. SCARBOROUGH. I thank the gentleman from Nebraska.

Now I would like to yield to the gentleman from Maine.

(Mr. LONGLEY asked and was given permission to revise and extend his remarks.)

Mr. LONGLEY. It is interesting that 2 days ago, and I am almost embarrassed to bring this up, but the supreme court of the State of Maine heard arguments on a question of whether the Girl Scouts in the State would be required to pay State sales tax on their Girl Scout cookie sales. And in the course of the argument, the State tax assessor argued that learning responsibility of paying taxes was part of what it meant to be a Girl Scout, or, in effect that we have succumbed to the level in this country or at least in this State and in this country, where we are literally chasing 10-year-old girls around to collect sales tax.

The same problem is existing on the Federal level. It think it is bad enough and I heard this over and over again in my campaign, that we have reached the point where government was stooping to any length to get its hands on any extra nickel that it could from the taxpayers.

It is bad enough that government is taking the bite that it is taking, particularly out of wages. But it has reached the point where it is not only taking money out of our checks and taking money out of our lives, but trying to tell us what to do with the rest of it.

I am very interested to see a very important document, and I carried this in my campaign, a copy of the Constitution and Declaration of Independence. Over 200 years ago Thomas Jefferson said in very simple words, we hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. But most important, to secure these rights, government are instituted among men, deriving their just powers from the consent of the governed.

Government was not meant to be our master. It was not even meant to be our partner. It was meant to be our servant. And with all the talk today about reinventing government, I think that the language perhaps has been misdirected. We need to get back to the basics. We do not need to reinvent anything.

□ 1630

The best wisdom that has ever been written about Government and the democratic system and the free enterprise system is contained right in words of this document. I think we need to get back to it.

I might add that I am also honored today to be part of a group of freshmen that is literally launching the first days of a new American Revolution. A couple of years ago there was talk about a gang of 7. I am very proud to be part of a gang of 73. Hopefully we can turn this country around, get the limits that we need on the growth of the Federal Government by forcing a balanced budget by the year 2002, and by insisting on a three-fifths majority rule as it relates to any future tax increases to make it more difficult for government to try to purchase its way or mandate its way out of the system through the taxes on the working people of this country.

Let us make it clear, in my campaign I campaigned on the fact that if I bought a pack of cigarettes, I pay three taxes. If I bought a can of beer, I would pay four taxes. But if I went out in this country and created a job, gave a working person work, I would pay or manage nine different taxes. Literally three times as many taxes as on the pack of cigarettes or twice as many taxes as on a can of beer.

When I look at those taxes, and let us talk about the minimum wage. There has been some talk about, a call for an increase. Yes, I would love to increase the take-home wages of working people. But when we look at what the Government has done at a minimum wage of $4.25 an hour, those nine taxes, five paid or managed by the employer, four paid by the employee, at the minimum wage they exceed 20 cents and, in many cases, approach 25 cents or more per dollar of wages. That is clearly exorbitant.

When you look at the totality of wages that we collect, the taxes that we collect in this country, the bulk of them are taken out of the wage base, out of the wages and pockets of working people. It is time that we got away from the politics of greed and envy and realized that we are all in this together. We have to deal with this together, and we have to deal with it by dealing with a government that is spending more than it takes in and does not show any signs of relinquishing.

I want to end on this note: I am very proud that today our Speaker, the majority leader, and the majority whip have addressed a letter to the President of the United States, pointing out that on, this past Sunday, and I will quote from the letter, that the Labor Secretary said ''the President is against simply balancing the budget.'' When there was another question about balancing the budget, the Labor Secretary said, ''your question assumes that the goal is to balance the budget.''

In the letter we point out to the President that this contradicts his 1992 vow to put forth a plan to balance the budget. And we are going on, and I am happy to endorse what our Speaker and leadership have said, we call on the President to be consistent with the likely approval of a constitutional amendment requiring a balanced budget by the year 2002. We call on him to submit a budget that would reach that objective and that would be consistent with his 1992 campaign pledge and that he disavow the comments made by his own labor secretary.

Finally, I want to address my comments to the American people. It is clear to me as a freshman Member of this body that the bias in Washington is in favor of increasing taxes. It is in favor of increasing control in Washington. We need to turn this government around. We need to reempower individuals and citizens. We need to reempower the private sector. We need to reempower local and State government. We need to put a collar on a Federal Government that is out of control. And it is only going to happen if the public demands it. It will not happen if you leave Washington to its own devices.

Again, I want to end on this one vote: Barely 2 weeks ago I stood on this floor with my 6-year-old daughter Sarah and my 10-year-old son Matt, and it was extremely troubling to me to realize, as I am sitting here about to take my oath of office as a U.S. Representative from Maine's First District that my 2 children, a 6-year-old and a 10-year-old, that we are literally spending money today in this country that my children are going to be forced to repay. And that is not only a burden on our own economy, it is a tremendous burden on the future and the opportunities that I hope that we can leave to my two children, my son and my daughter. I know that many parents feel the same way I do.

Sir, I appreciate the opportunity to address this body. I am happy to be part of the opening day, the first salvos in an effort to get this Federal Government to adopt a balanced budget amendment and to put a restriction on its ability to increase taxes.

Mr. SCARBOROUGH. Like you, I carried around a copy of the Constitution during my campaign, and I still do it today, simply because this is a second American Revolution that we are embarking upon. People have talked about the Contract With America for the past several months, and it is an extremely important document, but not only because of what it does today but what it is going to empower this body to do over the next 10, 20, 30, 40, 50 years. And that is, to continue taking us forward into a direction that will actually help us abide by the original Contract With America, which was that very Constitution that you and I and millions of other freedom-loving Americans carry around every day.

I thank the gentleman for his remarks.

Mr. LONGLEY. I just want to pick up on what you said, because this is the fundamental Contract With America. I think that we do not need, we do not have anything that we need to reinvent. We have a system of government that is the finest in the world, that has stood the test of 200 years of American history. We need to get back to the basics. It was a government based not only on a Constitution but the 10 Bill of Rights, including the 10th amendment, which is something that, again, this Government was based on local and State government, delegating responsibility to the lowest level, consistent with the need to achieve results.

Again, we have build up a Federal bureaucracy, a government in Washington that is consuming resources left and right, is drowning the country with not only red ink, but it is totally seizing the tax capacity of this country to the derogation of individuals in local and State government.

I just want to end on, add one other note. It only occurs to me, as you raised your question.

I am fortunate, in the early 1970's, my father, now deceased, served as Governor of Maine. He was an independent. And he was also one of the initial cochairs of the national effort to balance the budget.

The initial committee consisted of Gov. Dolph Briscoe, a Democrat from the State of Texas, a Republican, former Treasury Secretary William Simon of New York, and my father, independent Gov. James Longley of Maine. That was 18 years ago, 18 years, and we still have not dealt with the problem.

Again, I appreciate the opportunity to address this House.

Mr. SCARBOROUGH. Mr. Speaker, I yield to the gentleman from Arizona [Mr. SHADEGG].

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Speaker, I would like to begin by commending the gentleman from Florida for bringing this issue forward. Indeed, on November 8, the American people sent the first shot, I believe, of a new revolution, a revolution not to change America but to restore America, a revolution which will remind us and our children and our grandparents that America was built around the premises outlined in the Constitution, which the gentleman from Florida raised at the outset of this hour.

Those premises were that people relied upon themselves, could govern themselves best, that a central governmental authority like we had escaped in England was not the best way for men and women to govern themselves. But, rather, that we should have that government which governs least and that men and women of this country for the first time would be free to determine their own future, to succeed or to fail on their own ingenuity, their own energy, their own effort and their own drive and that there would be no guarantee from government other than that of equal opportunity.

We have drifted so far from that that it is difficult to even recognize the Government that we once began. The principles which were at the heart of that Government have become ignored regrettably here in this Capital City, and it is time that we returned to them.

You began this debate by reminding us of the words of the 10th amendment. I think it is worthy to reharken to those words on many occasions. That amendment of the Constitution says that only those powers delegated specifically to the Federal Government are for use and exercise by the Federal Government and that all other powers are reserved to the States and to the people respectively.

□ 1640

I submit it is time to begin to review not just some pieces of legislation that pass through this distinguished body, but every piece of legislation which passes through this distinguished body, on that standard. In fact, is it within the power of the Federal Government to legislate in the area, or is it, rather, reserved to the States or to the people?

When I ran for this office, I did so on a premise that it simply was not true that the people who occupy this hall and the one across the way, and the army of bureaucrats that they control, know better how to run the lives and the businesses of the citizens of the State of Arizona than those people in my district and in the State of Arizona, and, indeed, across America. I simply reject the premise that Washington, DC, is the font of all wisdom, and that we can manage every business and run every life better from the floor of this House than those individuals can do for themselves.

The simple truth is, that stands the premise of this country on its head. I trust the people of Arizona, the people of Florida, and the people of America to determine their own fate. Yes, we need laws. We need to deal with those issues which cannot be dealt with by the States or by individuals, but we have gone so far beyond that that it is hardly recognizable.

Let me talk, briefly, about an issue that has been touched upon here, and that is the issue of the balanced budget amendment, Mr. Speaker. It is absolutely essential and an essential element of the Contract with America that we pass a balanced budget amendment.

That is critical because we have discovered what Paul Harvey has warned us, and that is that self-government without self-discipline doesn't work. Regrettably, what has happened is that we have come to that point in America where at least all too often we have determined that we can vote ourselves benefits out of this body without ever having to pay for them.

Like you, I listened to the gentleman before this hour started talk about the dire consequences which would result if we simply enacted a provision requiring a balanced budget: that children would go without education in his particular school district, that schools would not have the resources they need; that the cities and towns in his particular district would not have the funds necessary.

That simply cannot be true, Mr. Speaker, because if that is true, then he is asking the people of some other part of America to subsidize the schools and the cities and the towns and the counties in his district.

The truth is there is no free lunch in America. If in fact there is a subsidy going to the schools or the towns and cities and counties in his district, that means that they would not have sufficient resources to run those schools, those cities, or those towns without getting money from Washington, DC. Then, in fact, he is asking America to subsidize his community. That is dead wrong.

The Federal Government cannot provide resources to one district that it does not first take from another. So the balanced budget itself is absolutely critical, and it is no more complicated than the principle you laid out at the outset, which deserves repeating, and that is that the American people can have and should only have the amount of government that they are willing to pay for.

However, there is a critical decision which will be made on the floor of this House within the next 10 days. That is will we pass a simple balanced budget amendment or will we pass an amendment with teeth.

I have been talking with the members of our class, and they are uniform in their belief that a simple balanced budget amendment is not sufficient; that indeed, it does not exact the degree of discipline which is needed in today's world, and that what we need, rather, is a super majority requirement to raise taxes.

Why is that? It is true because Government has discovered that we have anesthetized the taxpayer. We can take money out of their pocket through withholding and they never know it is there. So every time someone in this body dreams up a new idea for a new Government program or to solve somebody's problem, all we have to do is raise taxes just a little bit to pay for that good idea.

The burden has become excessive. It simply is not true that Government taxes too little. It is true that Government spends too much.

Let me relate a personal experience that I have. I have never served in a legislative body before having the privilege of joining this one, but I did have the privilege of serving as a part of a group of people who advised the Arizona legislature.

I sat in on countless meetings where citizens with good intentions came to a member of the Arizona legislature and said, ''Here is a serious problem. We need you to solve it.'' They played upon the emotions and the sympathies of those elected representatives, and of course their instinct was, ''yes, we should solve the problem.''

However, there was something missing in that dynamic. What was missing in that dynamic is that no one was there to represent the taxpayers who were to be asked to pay for that purportedly essential or necessary service.

It is time for structural reform as a part of this revolution. It is time that

we placed limits on the ability of Government to casually dip into the pockets of an already overtaxed citizenry. The way to do that is with a super majority requirement.

That is, if the citizens and taxpayers of America cannot be participants in that conversation where we are being asked to extend one more Government benefit, then make the structure of Government so that it is harder to raise taxes. Put them there by virtue of a structural change which would say ''We cannot raise taxes upon a simple majority. We must do it upon a super majority.''

On this floor within the next 10 days we will have an opportunity to vote for a requirement that says ''No future tax increase can be enacted without a 60 percent majority.'' I urge the people of America to get on their fax machines and their phones and to use their letters and any other communication device they have, buttonhole their Member of this Congress in the next 10 days, and tell them that they are not undertaxed but they are overtaxed; that we need a real reform, and that what we do not want is a balanced budget amendment which will lead to a balancing of the budget by an increase in taxes, but that what we need essentially in America is a balanced budget amendment which will lead to a balanced budget balanced on the basis of spending reductions.

This is a critical vote. It will occur within the next 10 days. I urge the American people, you are participants in this revolution.

Mr. SCARBOROUGH. I thank the gentleman for his comments. Again, from hearing him talk, I was once again reminded about the dire consequences that this Member who spoke earlier and others have been speaking about, talking about what would happen if we passed a balanced budget amendment, what would happen if we actually lived by the words of the Constitution.

I have to ask you, in your reading of the balanced budget amendment as it is, does it seem to be ideologically driven by conservatism or by liberals, or is it value-neutral and policy-neutral as far as just what the goal is, and that is, to spend as much money—only as much money as you take in?

I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, the language of the draft which I hope will appear before us states a simple principle, and that is, first, we must balance the Federal budget and, second, future tax increases will require a super majority. It is built around the premise that I think Paul Harvey best elocutes, and that is simply that self-government without self-discipline won't work.

The sad truth is that what we are doing now is we are voting ourselves benefits, but passing the bill on to our children, our grandchildren, and our great grandchildren. However, more than that, because we are creating that debt, we are also creating an interest burden, which means we have fewer and fewer dollars to pay for today's services because we are paying the interest on the debt we are creating, because we simply refuse the discipline to say no to extra spending.

The super majority or three-fifths requirement would institutionalize that discipline which is so critically needed, so we do not continue the policies of tax and spend and tax and spend and tax and spend, to the point where we are today creating an underground economy where people no longer are willing to pay the onerous tax burden we are imposing on them because they simply understand they are not getting their dollar's worth.

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for his comments, and would now like to yield to the other member of the Arizona delegation.

Mr. HAYWORTH. I thank the gentleman from Florida. I would like to note what a personal thrill and high honor it is to stand alongside my friend and colleague from Arizona. We live in neighboring districts, and our people share similar thoughts and values.

Mr. Speaker, one of the things we have to remember was echoed in a previous remark by my good friend, the gentleman from Maine. It is that we are really not actively involved here in reinventing Government as much as we are involved in remembering what made this Government great, and what made it the last, best hope of mankind.

Though we may use the rhetoric of revolution, and indeed, after 40 years of maintaining an old order, it may seem revolutionary, Mr. Speaker, what we advocate is really not radical. Instead, it is reasonable.

In the remarks we have heard from the other side throughout the 104th Congress, there seems to be an important ingredient missing. It is this realization. The money talked about and the funds appropriated and the horror stories of alleged losses and decreases in funding that Members on the other side of the aisle would point to fails to understand this basic point. It is not the Federal Government's money. It is money that rightfully belongs in the wallets and the purses of the citizens of the United States.

□ 1650

They know best how to spend their hard-earned money. They know best how to care for their families. One size does not fit all.

Mr. Speaker, the answer is not found in government, but in ourselves.

Mr. SCARBOROUGH. I thank the gentleman from Arizona.

I must echo what he says, that the answers don't lie in Washington, and more importantly they don't lie on one side of the aisle.

This is a battle that is going to be taken up on both sides of the aisle.

I know on December 7, 1941, when Franklin Roosevelt stood before the House and Senate, as they declared war on Japan, it was a bipartisan effort. On that day, nobody cared whether you were a conservative or a liberal, or whether you were a Republican or a Democrat. They only cared that you were Americans. I can say this, that today, and as we approach this vote, it does not matter whether we are conservatives or liberals or Democrats or Republicans. The only thing that matters is that we begin treating our checkbook the way middle-class Americans treat their checkbook, and that we only pay what we have.

It is a very simple request that the American people have given us. I see the gentlewoman from Ohio, and I know that she, too, is concerned about this on the other side of the aisle. We have to remember that one party does not have all the answers. But we have got to start somewhere. I believe this three-fifths supermajority to raise taxes is a great way to start, because this year, more than any other year before us, we can make a difference.

The 104th Congress can bring about true reforms if both sides of the aisle will work together and if conservatives all across America will step forward and say, ''Enough is enough.''

I would like to end my remarks by quoting someone who said this in 1966, and the quote is inspirational and talks about American individualism, and what can happen when Americans get off their couches and dare to make a difference.

The quote goes like this:

> It is a revolutionary world we live in. It is young people who must take the lead. We've had thrust upon us a greater burden of responsibility than any other generation that has ever lived.
>
> ''There is,'' said an Italian philosopher, ''nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success than to take the lead in the introduction of a new order of things.''
>
> There is the belief there is nothing one man or one woman can do against the enormous array of the world's ills, against misery and ignorance, injustice and violence. Yet many of the world's great movements, of thought and action, have flowed from the work of a single man or woman.
>
> It is from numberless diverse acts of courage and belief that human history is shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

That is what has happened in 1994 and 1995. Centers of energy from the people across this country have stood up and individuals have dared to get off the couch and make a difference.

I would like to commend the late Senator Robert F. Kennedy for making that statement in 1966, and I think it is a fitting statement that we as Republicans and Democrats can take forward

as we dare to make a difference and reform this Congress that has needed reforming for so long.

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized for 60 minutes as the designee of the minority leader.

[Mr. VOLKMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

FOREIGN TRADE POLICY RELATIVE TO BAILOUT OF MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, I listened with great interest to my colleagues on the importance of keeping our national accounts in order. I have come to this well over the last decade of my service in the Congress echoing those very same concerns, especially as it relates to our people's ability to earn decent incomes in America and to benefit their families through their hard work as well as through gain-sharing in the workplace, where people in our country work very hard, they should gain from the productivity that they have been a part of increasing, and, therefore, I am a great supporter of all types of programs, for employee stock ownership, for worker gain-sharing so that people in our country can become self-sufficient. For too long Washington has turned a cold ear to so much of what has been happening across our country in the streets and blocks of our neighborhoods.

This evening I come to the floor to talk about the connection between people's jobs and their incomes and our foreign trade policy, because one of the biggest budget-busting items that is likely to come before us next week has to do with the bailout of Mexico that will be put on the backs of our taxpayers, and of all things they want to put it off-budget, which means that as we consider this vote next week, and as I understand it, no hearings are going to be held in the House of Representatives on this issue. This bill is going to be moved only through the Committee on Rules at the will of the Speaker and will be brought here to the floor without any of the hearings that are normal procedure for a measure of this magnitude which already has cost our people over $18 billion—that's with a B—in lines of credit extended to Mexico, largely to hold up, to prop up the speculators on Wall Street who wanted to make big money in Mexico but now are not willing to eat their own losses, and we are told a bill is going to come here next week ringing in somewhere over 40 billion additional dollars, pledging the full faith and credit of the taxpayers of this country. Yet we cannot even have hearings in the subcommittees and full committees of jurisdiction in this Congress.

What is wrong? What are people afraid of? How can we even think about having a debate on a balanced budget amendment when we can exempt major expenditures such as the bailout of the Mexican peso and the Wall Street speculators who now want to reach into the pocketbooks of our people?

I want to put on the RECORD tonight that for 1994, last year, the latest bad news unfortunately has come in on our Nation's continuing trade hemorrhage with the world. This means we are still sucking in billions of dollars of imports more than we are exporting goods abroad. In fact, the 1994 ledger is dripping with even more red ink and more good jobs lost in our country.

In fact, just in the month of November, America had a trade deficit of 10.5 billion additional dollars—that means more imports coming in here than our exports going out—and just in that month alone, over 200,000 more jobs lost in America.

For those who listened to my remarks yesterday, yesterday morning, 7:30 in the morning, in Medina, NY, Fisher-Price/Mattel Co. gave the pink slip to 700 more workers in our country who were told, ''It's time to go home. Your jobs are moving to Mexico.''

□ 1700

Fisher-Price/Mattel does not make one Barbie doll in the United States. Yet they have millions and millions and millions of dollars of sales in our marketplace, and their product is not cheap, $29 to $200 for one of those little dolls. Each little girl in American owns between 8 and 12 of those today. They basically have shut down their production in this country.

The trade deficit is related to your job, my friends, because if you do not have production located in your community and you have essentially outsourced the real productive wealth of your community, you will have lower-wage jobs, you will have jobs without benefits, you will have part-time work, you will be downsized, you will be outsourced. Until you understand the connection between international trade, your job and your pocketbook, 1994 will be known as the year in which the United States suffered the worst trade deficit in history. And for every billion dollars of trade deficit we lose an additional 20,000 jobs in this country. So that means for 1994 over 3 million more good jobs slowly disappeared.

Probably, unless you live in these communities, you do not even know it happened. It is like death by pin pricks as companies shut their doors, like Mattel did yesterday in New York, and the list goes on and on and on.

Nineteen ninety-four will be remembered as the year that NAFTA was implemented, and that trade agreement really kicked in and continued to put the tourniquet around the workers of the United States. It was the year GATT was signed and we will continue to lose more jobs. And the year that we ran up over $155 billion more in trade deficits, more imports coming in here than exports going out.

It is hard to find anything made in America. In fact today I had a rather humorous experience if you want to think about it. People here in Washington are running around with little pins on that say Contract With America. But look at the button, it was made in Taiwan. I just shook my head. We do not even make buttons in this country anymore.

Over 3 million Americans could have been more productive in our country last year if the trade deficit had not been so bad. And, you know, the amazing thing about it, prices are not going down in our country; profits are going up, prices are going up. The only thing that is coming down is workers' wages and their buying power.

Something pretty fundamental is happening to the economic wealth, productive wealth of this country, and Washington better understand it, because it is at the nub of the unrest across our country.

The latest trade data that has come in has special significance as Congress considers a bailout of the Mexican peso. And it is really a bailout of the Wall Street speculators because our former trade advantage with Mexico, which is what they said we had to pass NAFTA for, because America would continue to make money off of that deal, as that trade deficit got worse last year, guess which country we began moving into the red side of the ledger with? Our third largest trading partner, Mexico.

In the month of October, for the first time in a generation, America accumulated a negative trade debt with Mexico. And in November the red ink quadrupled to over $370 million in the red, just in November.

America's trade advantage, my friends, with Mexico, has now disappeared. The advantage has disappeared in less than a year, and now Mexico has its hand out to us to prop up that country's debts that are owed to our Wall Street investors.

When the peso fell 40 percent in December in value, the United States is going to see a continued slide into red ink with Mexico as their exports and the prices of those exports become more attractive in our market and our goods down there become too expensive for them to purchase. Mark my words, the slide is slickening every single month.

Let me now tell you more about the biggest budget buster that this Congress is going to be asked to vote on next week, with no hearings in the committees of this Congress, which essentially means you as a people cannot know. And it is going to hit our taxpayers very, very hard, in the wallet, with the jobs that they will lose to a much cheaper wage environment. You are going to pay in higher interest rates; you are already paying in higher

interest rates because the market has discounted those losses. And you are going to pay in continuing obligations in increasing long-term debt that you will have to pay, because in effect what they are asking is for our people to become Mexico's insurance company, for the North American Free-Trade Agreement, NAFTA, sure is not free. We have lost a company a day to that nation since the agreement went into effect.

Most Americans did not realize that, when NAFTA passed, at its heart was an investment guarantee to the Wall Street speculators, the multinational corporations, and the megabanks that in fact you as taxpayers now have to back up.

If the gamblers went belly up in Mexico, the United States essentially had pledged your full faith and credit, and now the bills are coming due. Fifty-eight billion dollars for beginners.

In fact U.S. taxpayers are now going to pay dearly and not just in more lost jobs. That is bad enough. But without a vote of Congress, last week our U.S. Treasury and Federal Reserve opened our lines of credit to Mexico to the tune of $18 billion, your tax dollars, your deposits in the institutions of this country already sent to prop up the paper investments that the gamblers on Wall Street love to play with. And as far as the Government of Mexico is concerned, what this really amounts to is a new backdoor multibillion-dollar version of foreign aid, but they do not want to call it that, they do not really want you to see it as that, so they are using all kinds of fancy names, figuring most people have not gone to business school, most people do not have a degree in finance. So the $18 billion they extended they did not call what it really is, they called it a line of credit, they called it a swap.

Now they are coming up here next week with a bill they are going to call a guarantee, and backing up the guarantee will be fees. There will be a commitment fee, a basic fee, a supplemental fee. There are so many different fees, but essentially all it is putting debt on top of more debt on top of more debt on top of more debt with higher interest rates, and more debt with higher interest rates that you back up with your tax dollars.

No matter what you call it, you essentially are Mexico's insurance company. But ask yourself what is the collateral? What are your chances of getting your money back?

Last week the Clinton administration and the Federal Reserve started bailing out Mexico with that $18 billion of our currency through the U.S. Treasury, our Federal Reserve. It took no vote of Congress to do that, they do not have to come here for 6 months under the current law. Now the administration is asking us to guarantee this additional $40 billion in loans and there will be no hearings here in the Congress. Believe me, it is a bottomless pit.

The troubling fact about these speculators from Wall Street is they are the very same people who gave us junk bonds back in the 1980's, the very same people who put all of these leveraged buyouts together, who threw white collar workers, blue collar workers, pink collar workers out of work across America because these very same people were so greedy that they cashed out corporations, they bought companies, they dried up their pension funds, they diversified those holdings, they essentially bled out the wealth of this country, they put it in different nations around the world where there is no cheap labor and no democracy. And notice now they are sending those goods back here, and now they are trying to do the same thing as a result of this Mexican deal.

The troubling fact about being this kind of a banker, and I even hate to call it a banker, it is really a speculator form Wall Street, is that they can create money; I wish each of us could, even when there is no collateral to back it up. They have got powerful friends. Let me tell you, my friends, they have powerful friends in the Clinton administration, and they have very powerful friends inside this institution. They like to talk about free enterprise, and being beholden to the rules of the private sector.

□ 1710

But basically they are now coming and running to the Government because they are about to lose a big chunk of money. So when they have gotten in trouble, they have not followed the rules of the marketplace which is when you take a risk to that extent and you lose, you are big enough to eat the losses yourself and not come running to the taxpayers of our country.

The Clinton administration is doing this along with the top leadership of this institution and taking this unprecedented action and doing it very quickly so that you do not really understand it, so you cannot complain and really have input through your elected Representatives here because the value of Mexico's currency has fallen by so much.

Basically Mexico cannot pay its bills. It never has, and with the peso meltdown, keep this in mind, if you think about what is the collateral, its workers' wages have also been cut by 40 percent; the value of its people's savings accounts have been cut by 40 percent. Do you think they will be able to pay back what they owe us on top of all of the old debt that they still owe us?

And I see our colleague from Vermont has joined us, the gentleman from Vermont [Mr. SANDERS], and we are so happy to have him here this afternoon without question, and I know he has traveled the world, as I have; the pain of our people who have lost their jobs, the pain of our families who are worried about affording their mortgages and affording sending their children on to college, when they need help, they do not have the Secretary of the Treasury running around the corridors up here. They do not have the Speaker of the House running around the corridors for them. They do not have the Chairman of the Federal Reserve running around the corridors up here. They do not even return phone calls.

But for this particular deal where their friends, and I underline friends, on Wall Street stand to lose $40 billion and should eat their own losses, believe me, they have worn out the carpets of reception up here. We may have to have a little congressional expenditure to replace the mats that have been worn out over the last 2 weeks as these meetings have occurred behind closed doors.

Why should the Mexican people and the people of our country have to pay for the mistakes made by the Wall Street kingfishers and their friends around the world? Why?

I yield to the gentleman, and I am so happy to see him here tonight.

Mr. SANDERS. I want to thank the gentlewoman from Ohio [Ms. KAPTUR] for her leadership role in this whole issue.

You know, when we talk about the beltway mentality, and we talk about the degree to which Washington, DC, and the U.S. Congress are separated from the pain and the anguish of middle income America, I think you could not give a clearer example of that separation than this $40 billion bailout for Mexico.

Now, two things are happening at exactly the same time. The President and congressional leaders are talking about a $40 billion bailout. For a start, what we are hearing is that because we have a terrible deficit situation, it may be necessary to destroy our Social Security system upon which tens of millions of senior citizens exist. There is no question but that the Republican leadership has in mind massive cuts in Medicare, in Medicaid, massive cuts in nutrition programs for hungry children.

So on one hand, what we hear every single day on the floor of this House is we have a terrible deficit situation; therefore, we are going to have to cut back on the basic needs, the substance, the substantive needs of some of the most desperate people in this country, because of the deficit. Then in the same breath what we hear is, well, we have got to protect Wall Street who are making investments in Mexico, and, therefore, we are going to have to cosign a $40 billion loan guarantee. That is No. 1.

And the second line of rhetoric that we hear is that we are entering into an era of so-called personal responsibility. What we are saying to hungry children in America, we have 5 million kids who are hungry, we are saying, well, you know what, in the new United States of America do not expect the Federal Government to provide you with basic

nutrition, and we say to the elderly people who have paid into Social Security and Medicare for their whole lives, do not expect the Federal Government to stand with you in your time of need. Personal responsibility. You have got to do it on your own. Right? No free lunch.

But at exactly this same moment, we have investors who are interested in buying bonds from Mexico, bonds by the way which are paying 19- or 20-percent returns.

Ms. KAPTUR. One of the interesting points here is how people get hold of these bonds. You know, part of what Mexico owes is money that is owed on the old Brady bonds. For those of you who are TV junkies, maybe you know this, back in the 1980's, the early 1980's, there were all kinds of debt Mexico could not pay back. Then part of it was turned into these Brady bonds. The yield on Brady bonds was 40 percent.

Can you imagine, just think if you owned those bonds. So part of these are being rolled over as a part of this new debt that Mexico has to pay to its creditors.

Now, with this new group they are paying 20 percent at the moment, but, of course, it could go up. Would we not love for the depositors in our communities to be able to earn a 40-percent interest rate at their bank?

Mr. SANDERS. But what I get a kick out of is in this era of personal responsibility it is not enough that you may very well, and probably likely, will earn a 20-percent rate of return on your investment, but we are saying to these very brave investors, ''Well, if you do not make that 20 percent, if the Mexican economy does not improve, if by some chance they are not able to pay you back, do not worry about it, Uncle Sam and the taxpayers are here to bail you out.''

The irony, and I know you and I have discussed this earlier, the irony that some of the people that we are protecting are exactly the same people who have thrown American workers out on the street, taken their jobs to Mexico, now they are going back to these unemployed workers and saying, ''We want you to provide guarantees to the companies that are investing in Mexico today.''

To say that is absurd would be, I think, a massive understatement.

Ms. KAPTUR. If I might just reclaim a moment, last week I sent a letter along with several Members of Congress to our Secretary of the Treasury asking 14 very specific questions, since we are not going to have hearings here in Congress on this major bailout.

I will not read all 14 questions, but just the first two, asking him to, please, expeditiously reply to these questions. No. 1, in view of the fact that U.S. banks are earning historic profits, why is this U.S. Government intervention in the form of a currency swap and lines of credit, this was the $18 billion from last week, necessary? When the private sector gambles and loses, should not those losses be borne by the private sector? That is question one.

Question two is: To what specific banking and corporate interest does Mexico owe the $26 billion in outstanding obligations that come due this year, $10 billion due in this first quarter of the year, and $16 billion of which is allegedly owed to United States interests, the rest being owed to Japanese interests and German interests? Which means our people's tax dollars would have to pay for foreign creditors to Mexico. And how much in additional obligations come due in 1996 and 1997?

But the bottom line is specifically, not in general, to whom is it owed? Which Wall Street investment houses, which speculative investors that are out there in our country and elsewhere? If our people are going to pay this off, all we are asking is let us know who we owe the bills to.

Mr. SANDERS. You are absolutely right. And I think the point that has to be made over and over again is that at a time when America, for working people, is becoming a poorer and poorer country, at a time when the gap between the rich and the poor is growing wider, when so many middle-income people need help, what an absurdity, what an outrage that the U.S. Government today, the President and leaders of Congress are proposing not to stand with middle income people, not to stand with the poor or the working people, but they are going to provide $40 billion of loan guarantees to very, very profitable Wall Street investors.

And if that does not tell you who controls the U.S. Congress, then I think you may never know it.

I would hope very much that we can turn this process about.

I think, I say to the gentlewoman from Ohio [Ms. KAPTUR], it is going to come to the floor next week?

Ms. KAPTUR. That is what we are told, Friday, when everybody is worn out and wants to get home to meet with their constituents over the weekend. So they are going to bring the balanced budget amendments up early in the week, and all the discussion on that, so all the people will be all vented out by the end of the week. There will have been no hearings in the House. They will just slip it in here from the Committee on Rules.

□ 1720

Mr. SANDERS. I will just say to the American taxpayers that if you think that the best use of your money now is to guarantee loans to Mexico, money that is going to be made by large investment houses and big banks, why, then, you should call the President of the United States up, you should call your Member of Congress and, say, ''That is exactly how I want to see my tax dollars being spent. Go for it. We think it is a great idea.''

But if you are concerned about a $200 billion deficit, if you are concerned that there are people here in Congress who say that because of the deficit we have got to cut back on Medicare, on Medicaid, on nutrition programs for hungry kids, and you think that a $40 billion loan guarantee for Mexico is not how you want to see your tax dollars being spent, then I think also you should get on the phone, you should call up Speaker GINGRICH, you should call up my office, Ms. KAPTUR's office and the office of your Representative in Congress, your United States Senator.

Mr. Speaker, we can defeat this thing if millions of Americans stand up and say, ''No, let's get our priorities straight. We have other things to do with our tax dollars other than to bail out Mexico and protect investments from large banks and investment houses.''

So let us get our priorities straight, let us flood the U.S. Congress with calls, with letters, and say to the Members of this institution, ''No bailout for Mexico. Protect American taxpayers.''

Ms. KAPTUR. And not surprisingly, because this has happened before, but Mexico has many wealthy families, and they have billions of dollars' worth of deposits. Now, you might ask yourselves, where is that money? If you look back at 1991, there were two billionaires in Mexico, according to Fortune Magazine. Now there are over 2 dozen.

Where do they have their money? Do you know what happened back in the early 1980's when Mexico got into trouble before when it owed several billion dollars? There was between $40 and $60 billion dollars worth of money from citizens in Mexico deposited in United States banks, the very same banks that Mexico owed money to. So being very simple-minded, I said just let them take their money back home.

What happened in this particular situation—and it was carefully orchestrated—the smart money left Mexico before the peso meltdown. If you look at the trade figures for the last year, you will see one of the top three exports to Mexico from the United States after NAFTA has been in two or three interesting areas: art, antiques, and collectibles.

Now, who would buy art, antiques, and collectibles to hedge against a possible devaluation? So they took their money out of the country, brought into the country goods that will sell anywhere in the world. So part of our job should be to drive it back in the country rather than put the money out.

Mr. SANDERS. The gentlewoman is not suggesting that the patriotic billionaires in Mexico are not going to themselves reinvest in their own country? She is not suggesting that they might take their own money out of their own country and put that money into American banks so that the working people of the United States who are losing jobs because our jobs are being

taken to Mexico should bail out these investors and these big banks? The gentlewoman is not suggesting that, is she?

Ms. KAPTUR. This is why we asked the Secretary of Treasury which specific interests, which banks, which investment houses, which corporate interests are Mexico's creditors at this point. We would like to see who owns those firms. We would like to see who the depositors are, we like to understand who we are giving our money to, because it is likely, based on past history, that Mexico will default again and the taxpayers of the United States, the new insurance company to Mexico, will help to bail them out. We just would like to know who we are bailing out. Do you not think that the American people have the right to know?

Mr. SANDERS. I think that they might, given the fact that they are putting $40 billion on the line. I think what people throughout this country should appreciate is that very often when the President, any President, when the leaders of Congress want to get something done that benefits the wealthiest 1 or 2 percent and puts it to the average American, what they do is move very, very quickly, because their feeling is that the less information the average American has about the situation, the better they are able to pull off the swindle. I think that is exactly what we are seeing right now.

It is astounding to me that when some of us say, ''Let us do something about 5 million children in America who are hungry, provide help to them,'' there is never a sense of urgency. But when we talk about changing our trade policies so that we do not encourage American corporations to take our jobs to China or to Mexico or to poor Third World countries, there is never a sense of urgency. But suddenly, boy, are things flying around here—$40 billion, even in Washington, DC, is a lot of money.

Loan guarantees of $40 billion can rebuild communities from one end of America to the other, could put millions of American people back to work at decent wages.

Suddenly, however, for some reason, that discussion never takes place here. But now, because Wall Street and the investment houses want to make sure they are not going to lose any money on their Mexican investments, wham, like a bullet, is that process flying through here.

Ms. KAPTUR. What is really sad here is, if you look at the people who get appointed to our U.S. Treasury and to the Federal Reserve, not that they are not intelligent and hardworking Americans, but their mindset comes from, especially this group over the last several years, from the speculative Wall Street sector, which means that when they have been used to creating all this debt around the world, they are pretty well-heeled themselves, when they get appointed to a top Government position, they forget they are not just dealing with their own customers' funds anymore, they are dealing with taxpayers' public money. There is a difference.

I think one of the problems we have is that when you have this revolving door between Wall Street and some of the institutions of the people of the United States, sometimes I think people forget where they are and they start gambling with our peoples' money rather than the private investors' and speculators' and gamblers' money. There is a big difference.

Let me say to the gentleman from Vermont that I see the gentleman from Illinois [Mr. LIPINSKI] has joined us here. I am sure that both of these gentlemen face the same situation in their own districts. But I cannot get loans for my congressional district from the U.S. Treasury in order to clean up the toxic waterways in my community. They told us, ''Well, wait 5 years, wait 10 years, wait 15 years.'' I said, ''Wait a minute, I only get elected for 2 years. I cannot wait for 15. I came here to make it better.'' I cannot get money to build a new tower out at our airport field so that the airplanes do not crash into one another while landing because we have such an old tower that it is on the wrong side of the runway. Well, we cannot get that built. I cannot get a loan from the Treasury backed up by the taxpayers of the United States to do that. I cannot get money for an enterprise community in the center of our city because there was not enough to go around to every major city in Ohio. I could not get the attention of the Federal Reserve or the U.S. Treasury.

I cannot get more money out of this Government to add to the new police class being hired in my district, in my major city and many of the rural communities in my State that are trying to hire policemen, police officers, because of the drug problem. Do you know the transit route, the chief transit route to Toledo, OH, in terms of the drug trade, is direct from Mexico, comes up direct to our community. And I cannot get a loan from our Government to help us deal with the crime situation in our community.

So it gets pretty discouraging when you see the enthusiasm of these former Wall Street speculators down here helping their friends, but I cannot deliver as fast as I want to for the people of my home district, as hard as we try.

I want to acknowledge that we have been joined by Congressman BILL LIPINSKI, a most esteemed Member from the great city of Chicago, which I like to call the capital of the Midwest. I know how hard he has tried to help not only his own city but this entire Nation through his work here and his years of service. I yield to the gentleman.

Mr. LIPINSKI. I thank the gentlewoman for those very kind words and for the time that she is yielding to me in this special order.

It is always a pleasure also to be associated with the gentleman from Vermont [Mr. SANDERS] because certainly no one fights harder for the American working man than he does.

Mr. Speaker, it appears that the North American Free-Trade Agreement is anything but free. Let us look at the facts. Under NAFTA, thousands of Americans have been put out of work. Under NAFTA, the Sara Lee Corp. intends to cut 8,000 jobs during the next several months and move their operations to Mexico.

□ 1730

Under NAFTA, Honda, BMW, Volkswagen, Toyota, and Samsung all announced plans to build new or expanded production facilities in Mexico, not here in the United States of America Under NAFTA, United States automobile makers exported approximately 22,000 vehicles to Mexico. The United States however, imported 221,000 from Mexico, a huge imbalance in Mexico's favor. I ask, ''Can you imagine the jobs that would have been created here amongst the United States Auto Workers if the 221,000 vehicles that were manufactured in Mexico had been manufactured here in the United States?''

Ms. KAPTUR. Mr. Speaker, let me reclaim my time for a second.

I had somebody divide it out for me. What it works out to is that every 28 cars that come up from Mexico to the United States, we send down 2 cars, and in trucks it is even worse. For every 33 trucks that are built by these companies sent into our market, we send down there about a third of a truck. It is absolutely upside-down.

Mr. LIPINSKI. Certainly, and to me the No. 1 issue in last November's election was the fear, the concern, the insecurity that the American middle class has on their shrinking standard of living, not only for themselves, but for their family, for their youngsters, and here with NAFTA, with GATT, and now this $40 billion bailout, we are not only shipping out middle-class jobs, we are also now putting an additional burden on the middle class to subsidize another country.

To return to my prepared remarks, under NAFTA United States imports from Mexico have been increasing at a rate faster than United States exports to Mexico. This distinction is important because in order to create jobs, U.S. exports must be expanding faster than imports. This is not happening.

Under NAFTA the peso's value has dropped fantastically. This represents a dramatic wage cut for Mexican workers. Consequently United States exports to Mexico will slow while Mexico's exports to the United States will rise, wiping out what little trade advantage we had. Under NAFTA, Mexico is experiencing a severe financial crisis, and the American taxpayer is being asked to foot the bill. I say, ''Enough is enough.''

The Clinton administration wants to provide 40 billion in loan guarantees to

help Mexico. But as reported in yesterday's Washington Post, this multibillion-dollar bailout will only help United States speculators, those who have invested money in Mexican stocks and bonds and not contributed to Mexico's long-term economic stability. Any way you look at it, taxpayers are being forced to prop up the pesco and assume the financial risk of the investors.

Mr. Speaker, it is not their risk to take. We should be offering support for our citizens, but instead our Government chooses to help every other group except the American working man and woman.

Last week I joined my colleagues, two of which are here tonight, in introducing legislation to pull the United States out of NAFTA. Given the current circumstances, such action is indeed timely and long overdue. During the debate on NAFTA, supporters promised jobs and economic growth. I and others, however, warned that NAFTA would only hurt our trade position and cause an increase in the loss of American jobs. After a year of NAFTA, I think today's reality speaks for itself.

Mr. Speaker, repealing NAFTA is essential if we are to restore justice to the working people of America. This issue, to me, is an enormously important issue and goes right to the heart of the stability of this Nation, not only the middle class, but everyone in this Nation. We have to produce jobs in this country for all our citizens. We have to come up with what is a dirty word around here quite often, but a national industrial policy. We have to have Government, management, labor, the universities, working together to develop an economic strategy to put our people to work. If we do not, there is going to come a day when they are not going to be able to purchase these products from Mexico, from Japan, from Germany. This economy is going to go down the drain, and numerous other economies are going to go down the drain.

I am really very thankful for the opportunity to participate in this special order tonight, and both of you have my totally complete support in this effort to try to rebuild the American middle class and to try to create jobs in this Nation.

Ms. KAPTUR. I thank the gentleman from Illinois [Mr. LIPINSKI] for his heartfelt and enlightened statement, and I know that probably in Chicago, as is true in Toledo and Vermont, the fastest growing category of jobs are temporary jobs, part-time jobs, with no benefits. We have some restaurant work jobs being created. We have some health care jobs being created. In our factories what has happened is some people, because of the uptake in the auto industry, and I come from automotive America, we have been able to bring some people back into the plants. But we have not seen the kind of massive hiring that we would have expected with the kind of profits that are being made because people, extra people, are not being hired. What we are seeing is workers working 6 days a week. They have been doing this now for over 2 years, and they are making good money, but they are exhausted because they had a lot of overtime. But the benefits are not shared, and imagine if you can put 1,000 more people, 2,000 more people, to work in our plants, and we continue to see in our country declining buying power because essentially what these money traders are doing is they do not understand the difference between money and wealth and the fact that there is a difference between piling debt up and creating real investment that produces things, be it agricultural or industrial, that creates real wealth in our communities.

There is a book, I think, that has been written, ''Barbarians at the Gate,'' that talks about how these folks on Wall Street behave, and they think that money, and paper, and piling up this debt really means something, and they miss the most important question, and that is the wealth-producing capacity of our country, and we have about had it with their kind of thinking, trying to make money for the few, but not wealth for the many, and I know how hard the gentleman has worked in his capacity on the Committee on Public Works to try to improve the climate for business in America, our ports, seaports, airports, roadways, railroad beds, to try to make us the most efficient producer in the world, and I know the problems you have run into.

Imagine if your committee had had the chairman of the Federal Reserve and the head of the Treasury come in and say, ''OK, Chairman LIPINSKI, how about $40 billion in public works for America?''

I ask the gentleman, ''Wouldn't that have been a great feeling?''

Mr. LIPINSKI. Fantastic.

Mr. SANDERS. If I could just interrupt.

If the gentleman from Illinois [Mr. LIPINSKI] had made that request, they would have said, ''What are you smoking? Are you out of your mind? Forty billion dollars; we can't afford that.''

Right?

Mr. LIPINSKI. No question about it, no question about it.

Mr. SANDERS. But these guys come in a few weeks ago, and we are supposed to pass this thing with virtually no committee debate, I gather no committee debate whatsoever, bring it onto the floor of the House, because the big money people want to be protected. It is really quite incredible, and the other irony I would point out is the gentleman from Illinois [Mr. LIPINSKI] quite correctly talked about the impact of NAFTA 1 year later—loss of jobs, lessening of the trade balance.

☐ 1740

Fourteen months ago when we were debating that issue here, who would have believed it, after hearing all that the proponents told us, right? It is going to improve the standard of living of Mexican workers. It is going to create untold jobs in America; 14 months come and go, and what we are talking about now is the collapse of the Mexican economy, the decline in the volume of the peso by 40 percent, and a $40 billion bailout. You know what gets me? Where are all the editorial writers? Every major newspaper in America told us what a great thing it would be. Remember that?

Mr. LIPINSKI. I remember it very, very well. No question about it.

Ms. KAPTUR. We should cut those articles out, all this was supposed to do for America, with the name of the author right there.

Mr. SANDERS. We were the crazy protectionists. At worse we were racist, anti-Mexico. Fourteen months have come and gone. Where are the editorial writers today telling us what a good deal NAFTA was? What they are telling us now, these same exact people, is well, excuse us, I guess we are going to have to pony up another $40 billion to protect Mexico.

Ms. KAPTUR. You know Congressman SANDERS, one thing I think we would all be interested in, I call the NAFTA deal and deals like it death by pin pricks, because you have companies shutting down like Mattel-Fisher Price did yesterday in Medina, NY. But the workers from Medina, NY, do not always let us know they have lost their jobs and their production has been outsourced. I think it is very hard to get this information. We collect some of it, but there are just hundreds and hundreds of small companies, some of them employing under 50 people around our country, that have shut down.

I am hoping if those citizens of our country who are listening who have been really put out of a job this past year, in fact some of them have had to go down to Mexico and train their replacement worker, I hope you will call our offices. I hope you will let us know who you are. We will be your voice here. We need to be your voice here. You do not have voices from Wall Street placed in high positions. You do not have people in some of the major financial instruments of this government who are your voice.

We can be your voice, if you will let us know who you are. Some of you who are in union shops, you are organized, you know how to get to us. Many of you are in nonunion shops, 85 percent of you. We need to know who you are. We will be your voice here in the Congress of the United States.

Mr. LIPINSKI. I wanted to say that I have nothing against people in this economy becoming millionaires, becoming billionaires. But I believe that it is really the duty and the responsibility of the executive branch of

government and the legislative branch of government to try to create an economy that improves the standing of living of all the citizens of this country. That should be our No. 1 priority, to improve the standard of living of everyone here.

We should see to it that there are some kind of checks and balances so that one segment of our society does not benefit more than another segment of our society, particularly when it seems to me that the laws we often pass and the trade treaties we often pass here benefit a much smaller segment of our society at the expense of one of the largest sections of our society, the middle class. I really believe that that should be the top priority, creating jobs in this country, as I say, not only for the middle class, but for everyone. If you can become a millionaire, wonderful. If you can become a billionaire, that is wonderful also. But we have to give the opportunity to people to continually improve their standards of living, continually improve their jobs, so that they can raise their family, educate their family, so they can buy homes, so they can buy automobiles. This is really what the American dream is about. Not a few people becoming billionaires or millionaires.

Ms. KAPTUR. If the gentleman will yield on that point, on the Food Stamp Program, which is not a popular, politically popular program, I think it is important in my district to put on the record, half the people in my northwest Ohio area who are on food stamps, half are working people. They are working families who earn such low wages with such low benefits because their jobs have essentially been cashed out, they have to be in the embarrassing position, and I have seen some of them, of applying for these food stamps, because they can no longer earn a living wage in the United States of America. Frankly, I think that should be unconstitutional. I think these people should be able to earn a decent wage.

I met a woman the other day, I went into one of the stores to buy like these muffins in the morning. I met a woman working three part-time jobs. She was a divorcee, and she must be putting in 60 or 70 hours a week just to support herself. It is sobering to meet these families, and there are millions of them across our country. They have very little voice here.

We have been joined by our distinguished colleague from the State of New York, from Buffalo, NY, Chairman JOHN LAFALCE, Committee on Small Business, chairman of subcommittees on the Committee on Banking, Finance and Urban Affairs, and someone who was right month and months ago and they would not listen to you, Chairman LAFALCE. They would not listen to you. And I hope that the citizens of Buffalo understand what kind of voice they have here in Washington, not just for themselves but for the Nation and the world.

There are few Members of this body that understand as much about finance, and I think you talked yourself until you were blue in the face to try to get provisions in the NAFTA accord to deal with this very crisis, and they would not do it. They tried to ride their tractors right over you. You probably still got skid marks on your spine. Yet you were right. As I said a little bit earlier, this is one of those instances where it hurts to have been right.

We welcome you this evening. I yield you time.

Mr. LAFALCE. Thank you very much. First of all, I want to congratulate the gentlewoman from Ohio for the tremendous leadership she has shown, not simply on this issue, but on all issues affecting the industrial manufacturing service sector within the United States, especially as international trade impacts on those issues and our domestic workers.

I have long been concerned with the problems of Mexico and the problems of the Mexican people. I remember well August 1982, when the debt crisis first erupted, and I engaged in a great many meetings at that time with the point man for the Reagan administration, Tim McNamara, who was also a fellow graduate of Villanova University, Deputy Secretary of the Treasury. I believed firmly at that time that we had a responsibility to help the Mexican people in Mexico. I believed firmly that we should engage in leadership on the issue of debt relief. And we pretty much ran up against deaf ears.

I remember in 1982 going to a meeting of the World Bank and the International Monetary Fund in Toronto in order to discuss these and so many other issues. Again, I remember the speech that President Reagan gave at the time. We must rely on the magic of the marketplace. Beryl Sprinkel was quite active in the Treasury Department too. He presented a good many difficulties in dealing with a human, considerate, responsible way with the problem.

In 1986 I was able to get two provisions in the omnibus trade bill that we passed at that time. One dealt with exchange rates, and one dealt with debt relief. Unfortunately, President Reagan vetoed that bill, and in vetoing the bill, he cited four specific provisions. Three of them were provisions that I had authored and it would be the exchange rate provision and the debt relief provision.

Fortunately, I was able to get those provisions back in the omnibus trade bill of 1988, and they then became the law of the land.

So I have a long history of concern for the problems of Mexico in extending debt relief to them, and for the whole question of sustainable exchange rates as they impact trade and the rights of capital and the rights of labor between and amongst trading countries of the world.

I was very dissatisfied with the approach taken by Secretary of the Treasury Jim Baker when he came up with the Baker plan. It was a half-hearted effort. It just did not go nearly far enough. And I remember when Nick Brady came in as Secretary of the Treasury, he called me into the office before the November 1988 election and said we are going to go way beyond Baker, but after the election, we will come up with something new.

□ 1750

We will come up with something new. This turned out to be the Brady plan, which basically was what I had called for in the 1988 legislation. I remember going down and talking with the leaders of the Central Bank in Mexico at the time, still there. I remember going down and talking with the chief debt negotiator, Angel Gurria, who is the foreign minister of Mexico. I remember being invited by the President-elect Salinas to attend his inauguration on December 1, 1988.

But then we came up with a lot of new ideas, too. Despite the fact that Mexico was a greatly underdeveloped country, we were going to treat it as a fully-developed country. And because we wanted to fulfill somebody's grand vision of a free-trade agreement for the Americas, we would enter into a free-trade agreement with Mexico, called NAFTA.

I had strongly favored the free-trade agreement with Canada, although even then I said we ought not to enter into that agreement without having provisions for exchange rates. Although I did not think that necessity of a provision for exchange rates was that imperative for Canada, because the swing in exchange rates, in currencies evaluations was not that great between the United States and Canada.

But with respect to Mexico, I said it was absolutely imperative. There were a number of other things that were absolutely imperative if we were to approve NAFTA and have a good agreement.

I used my Small Business Committee to have a good many hearings on some of those conditions that I thought had to be dealt with before we approved NAFTA. And so in 1992, I had hearings on the problems in Chiapas. I brought up so many of the human rights activists from Chiapas to discuss their problems. I said, these problems are festering and will soon erupt and NAFTA may make them erupt unless we do something about it beforehand.

Shortly after that, in early 1993, 2 years ago, I had a hearing on something that I thought was perhaps the most important issue that we had to deal with and could deal with within the NAFTA, and that was the issue of the valuation of the peso. I had a hearing entitled ''Whither Goest the Peso.''

We brought in some of the leading economists from around the world. And there was pretty much a general consensus at that time that the peso was overvalued by from 15 to 20 percent and that a devaluation was going to have to take place, not the trickle type of

devaluation that was taking place on a day-by-day basis, but something much more significant at some point in time. And the only question was when and how harmful such a devaluation would be.

I argued that it was imperative that we anticipate that problem, deal with it in advance. And so I sent many letters. I sent, first and foremost, a letter to President Clinton, but also to the Secretary of the Treasury, at least at that time, to the present Secretary of the Treasury, who was then Chairman of the National Economic Council, to the U.S. Trade Representative Mickey Kantor, to the head of the Business Roundtable's section on NAFTA, who at that time was the chairman of Eastern Kodak, Kay Whitmore.

I said, if NAFTA is going to pass, it ought to be a good NAFTA. It ought to be a NAFTA that protects American workers, and we cannot have a good NAFTA unless we have a provision dealing with exchange rates, something that will call for consultation, coordination, and corrective measures in the event of some type of devaluation.

Well, as the gentlewoman pointed out, my early warnings 2 years ago fell on absolute deaf ears. The problem is at that time the peso was about 3.2 to the dollar or 3,200 of the old pesos to the dollar. Of course, there had been a devaluation from 1982 to 1992 of 1,000, 2,000, 3,000 percent. We were not talking about modest devaluations. We were talking about volatile, extreme devaluation.

Let me just make this point. We have to be very careful before we go ahead and approve a $40 billion loan guarantee. The administration and the Congress, Democrat and Republican, are dedicated to doing this by next Friday without congressional hearings, without satisfactorily, without exposing this to the crucible of examination, cross-examination, public opinion.

We have to be very careful. Otherwise we are going to freeze that exchange rate in the vicinity of 5.5 or so to the dollar. And if we thought we were going to have difficulties at 3.2 pesos to the dollar, we will be unable to export to Mexico at 5.5. There will be a huge, tremendous incentive to establish American plants and other plants from around the globe in Mexico at that valuation, and this administration and this Congress does not seem concerned about it.

The only thing they seem concerned about is ensuring that there be a loan guarantee for a restructuring of the existing loans; a restructuring that in my judgment would be done without the guarantees, because the lenders have no option but to extend the maturities.

If a lender gives $100,000, the lender owes the borrower. If a lender gives $40 billion, the borrower owns the lender.

We ought to be very, very careful before we proceed. To do it without hearings, to do it without examination and cross-examination debases the democratic process.

What they are saying is, this is so important and so big that we cannot have hearings, we cannot have it tested in the crucible of public opinion, which is the committee hearing process process of the House of Representatives and the Senate. That does not wash, not in my district in any event.

Ms. KAPTUR. The gentleman should be the very first person to be a part of such a hearing, because there is no one in this body that knows more about the internal debt structure of Mexico. It is an outrage, it is an outrage to this Congress and to the new leadership in this place that they would try to muscle the minds, not just of the people here, but also of the American people and not permit them to know what this is all about when they have to foot the bill.

It is absolutely outrageous. You have, to me, a special right to be a part of those hearings. I think you would make a positive contribution to putting Mexico on a sounding footing toward the future.

I personally do not believe this is the way to do it, because you cannot have free trade without free countries. I think Mexico needs a good dose of democracy as a basis for economic growth in the future. I know the time of our special order has expired, and we thank all of those who have been a part of this this evening, especially the gentleman from New York [Mr. LAFALCE], the gentleman from Illinois [Mr. LIPINSKI], the gentleman from Vermont [Mr. SANDERS], those who joined us to inform the American people.

RULES OF PROCEDURE FOR THE COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES FOR THE 104TH CONGRESS

(Mr. GOODLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GOODLING. Mr. Speaker, pursuant to the requirement of clause (2)(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Economic and Educational Opportunities for the 104th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee in open session on January 5, 1995.

RULES OF THE COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES

RULE 1. REGULAR AND SPECIAL MEETINGS: VICE CHAIRMAN

(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:30 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public, including radio, television, and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by his designee.

(e)(1) The Chairman of the committee and of each of the subcommittees shall designate a vice chairman of the committee or subcommittee, as the case may be.

(2) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice chairman shall preside.

RULE 1. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for the purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

RULE 3. RECORDS AND ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of

the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with Rule XXXVI of the Rules of the House of Representatives, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of Rule XI of the Rules of the House of Representatives shall be available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(d) have been met, a quorum of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the nonavailability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of Rule XXXVI of the Rules of the House of Representatives, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of Rule XXXVI of the Rules of the House of Representatives; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES: SIZE AND JURISDICTION

(a) There shall be five standing subcommittees with the following jurisdictions:

Subcommittee on Early Childhood, Youth and Families.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, school lunch and child nutrition, adult basic education (family literacy) and overseas dependent schools; all matters dealing with programs and services for the care and treatment of children, including the Head Start Act, the Juvenile Justice and Delinquency Prevention Act, and the Runaway Youth Act; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor education, daycare, child adoption, child abuse and domestic violence; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP); and programs related to the arts and humanities, museum services, and arts and artifacts indemnity.

Subcommittee on Postsecondary Education, Training and Life-Long Learning.—Education beyond the high school level including, but not limited to, higher education generally, training and apprenticeship (including the Job Training Partnership Act, the Full Employment and Balanced Growth Act displaced homemakers, Work Incentive Program, JOBS Program), vocational education, rehabilitation, professional development, and postsecondary student assistance; and domestic volunteer programs, library services and construction, the Robert A. Taft Institute, and the Institute for Peace.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety and the U.S. Employment Service.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

Subcommittee on Oversight and Investigations.—All matters related to oversight and investigations of activities of all Federal departments and agencies dealing with issues of education, human resources or workplace policy. This subcommittee will not have legislative jurisdiction and no bills or resolutions will be referred to it.

(b) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be ex officio members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. As for as practicable, the Chairman of the committee shall seek to assure that subcommittees are not scheduled to meet for markup or approval of any measure or matter when the committee is meeting to consider any measure or matter for markup or approval. No markups shall be scheduled simultaneously by the subcommittees.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or

matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All hearings conducted by the committee or any subcommittee shall begin at 9:30 a.m. on the scheduled date and shall end at 12:15 p.m., unless there is good cause to schedule a hearing at a different time or to extend the length of the hearing. All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determine that one statement from the Chairman or his/her designee will be presented, in which case the ranking minority party member or his/her designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, each witness who is to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 24 hours in advance of his/her appearance, a written statement of his proposed testimony, together with a brief summary thereof, and shall limit his oral presentation to a summary of his statement. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

RULE 14. SUBPOENAS

A subpoena may be authorized and issued by the committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members of the full committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the committee or by any member designated by the committee.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

''This report has not been officially adopted by the Committee on Economic and Educational Opportunities (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.''

The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to such consideration. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. VOTES

(a) No vote by any member of the committee or any subcommittee with respect to any measure or matter may be cast by proxy.

(b) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that

individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of nay hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Oversight with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request thereof.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairmen regarding referral of such bills, resolutions, and other matters which may be referred to the committee. Notice will be provided if a bill, resolution, or other matter is held at the full committee, otherwise referrals to appropriate subcommittees will be made within two weeks of referral to the committee.

(b) In the conduct of hearings and meetings of subcommittees sitting jointly, pursuant to subsection (a), for purposes of shared consideration of any bill or resolution, including marking up or reporting any such measure to the full committee—

(1) the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings and meetings for purposes of such shared consideration, and

(2) every member of each of such subcommittees shall for purposes of determining a quorum be counted individually in the aggregate total number of members of such subcommittees, and shall have equal voting rights as individual members during the shared consideration of any such bill or resolution, in the same manner as if the total memberships of such subcommittees were combined to constitute a single subcommittee.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(d) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 19. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 3 and 7(a) of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the preceding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier than the end of the three-day period (provided under clause 2, paragraph (l)(5) of Rule XI of the Rules of the House of Representatives) after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House:

''This report has not been officially adopted by the Committee on Economic and Educational Opportunities or any subcommittee thereof and therefore may not necessarily reflect the views of its members.''

Such disclaimer need not be included if the report was circulated to all members of the committee at least 10 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 20. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered reported, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 21. BUDGET AND EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 17 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Oversight, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $2,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, not to exceed $2,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members,

(A) not to exceed, for each of the subcommittees, $2,000 for expenses of witnesses attending subcommittee hearings, and

(B) not to exceed $2,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 6(f) of Rule X of the Rules of the House of Representatives for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS

(a) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(b) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This paragraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) The number of television and still cameras permitted in a hearing or meeting room shall be determined in the discretion of the Chairman of the committee or subcommittee holding such hearing or meeting. The allocation among the television media of the positions of the number of television cameras permitted by the Chairman of the committee or subcommittee in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by the committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by the committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(1) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 24. CHANGES IN COMMITTEE RULES

A proposed change in these rules shall not be considered by the committee unless the text of such change has been in the hands of all members at least 48 hours prior to the meeting in which the matter is considered.

RULES OF THE U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS—RULE XI, CLAUSE 2(K)

INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON RESOURCES FOR THE 104th CONGRESS

(Mr. YOUNG of Alaska asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YOUNG of Alaska Mr. Speaker, I submit for the RECORD the following Rules of the Committee on Resources for the 104th Congress:

RULES FOR THE COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, 104TH CONGRESS, ADOPTED JANUARY 11, 1995

RULE 1. RULES OF THE HOUSE AND COMMITTEE

(a) Applicability of House Rules.—The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to ''Committee'' and ''Chairman'' shall apply to each Subcommittee and its Chairman wherever applicable.

(3) Rule XI of the Rules of the House of Representatives, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Oversight Plan.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House of Representatives.

RULE 2. REGULAR, ADDITIONAL AND SPECIAL MEETINGS

(a) Regular Meetings.—The Committee shall meet at 11 a.m. on the first Wednesday of each month that Congress is in session, unless that meeting is canceled by the Chairman.

(b) Additional Meetings.—The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee.

(c) Agenda of Regular and Additional Meetings.—An agenda of the business to be considered at a regular or additional meeting shall be delivered to the office of each Member of the Committee no later than forty-eight hours prior to such meeting. The requirements of this paragraph may be waived by a majority vote of the Committee.

(d) Special Meetings.—Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(2) of Rule XI of the Rules of the House of Representatives.

(e) Agenda of Special Meetings.—An agenda of the business to be considered at a special meeting shall be delivered as provided in clause 2(c)(2) of Rule XI of the Rules of the House or Representatives.

(f) Party Conference or Caucus.—Any Committee meeting that conflicts with a party caucus, conference, or similar part meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member.

(g) Vice Chairman.—The Chairman shall appoint a Vice Chairman of the Committee and of each Subcommittee. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

(h) Prohibition on Sitting.—The Committee may not sit, without special leave, while the House of Representatives is reading a measure for amendment under the five-

minute rule. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(i) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except that this time limit may be waived by the Chairman. A Member shall limit his or her remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(j) Proxies.—No vote in the Committee or Subcommittee may be cast by proxy.

(k) Postponement of Roll Call Votes.—At the beginning of any meeting of the Committee, the Chairman may announce that further proceedings will be postponed on any motions on which a recorded vote is ordered or on which the vote is objected to under Rule 5 until immediately preceding the conclusion of the meeting. In such instances, the Committee shall proceed with the consideration of the next regularly scheduled measure or matter until a all business is disposed of or until the Chairman announces that the question will be put on the matter deferred. The question on any postponed motion shall be put by the Chairman and shall be disposed of by the Committee, without further debate, as expeditiously as possible. If the Committee adjourns before the question is put and determined on any motion, then the first order of business at the next meeting shall be the disposition of the pending motion.

(l) Meetings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

RULE 3. OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House of Representatives.

(b) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 3 of Rule XI of the Rules of the House of Representatives.

RULE 4. SUBPOENAS AND OATHS

(a) Subpoenas.—The Committee may authorize and issue a subpoena under clause 2(m) of Rule XI and Rules of the House of Representatives, if authorized by a majority of the Members voting, a majority being present. In addition, the Chairman of the Committee may authorize and issue subpoenas under this authority during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(b) Oaths.—The Chairman of the Committee, the Chairman of any Subcommittee, or any Member designated by the Chairman, may administer oaths to any witness.

RULE 5. QUORUMS

(a) Quorum for Reporting.—Pursuant to clause 2(l)(2) of Rule XI of the Rules of the House of Representatives, no measure or recommendation shall be reported from the Committee unless a majority of the Members of the Committee are actually present.

(b) Quorum for Taking Testimony.—Testimony and evidence may be received at any meeting or hearing at which there are at least two Members of the Committee present.

(c) Working Quorum.—For the purpose of transacting business other than that described in paragraphs (a) and (b), one third of the Members shall constitute a quorum.

(d) Establishing a Quorum.—When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 10 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Clerk to note the names of all Members present within the 10-minute period.

RULE 6. HEARING PROCEDURES

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman of the Committee or Subcommittee determines that there is good cause to begin the hearing at an earlier date. In this case, the Chairman shall publicly announce the hearing at the earliest possible date. The Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Clerk of the Committee or Subcommittee, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Members on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Legislative Materials.—After announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all Members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Participation of Committee Members in Subcommittees.—All Members of the Committee may sit with any Subcommittee during any meeting and may participate in the meeting. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(f) Opening Statements; Questioning of Witnesses.—(1) Opening statements by Members may not be presented orally, unless the Chairman determines that one statement from the Chairman or his designee will be presented, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority.

(g) Investigative Hearings.—Clause 2(k) of Rule XI of the Rules of the House of Representatives (relating to additional rules for investigative hearings) shall govern investigative hearings of the Committee and its Subcommittees.

RULE 7. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needing to be set forth in the motion to report each individual measure.

(b) Additional Authority.—In appropriate cases, the authority set forth in paragraph (a) of this Rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(c) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Clerk of this request, the Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(d) Content.—Any report by the Committee to the House of Representatives provided for by this Rule shall include the following:

(1) a statement of the purpose of the measure;

(2) a general background section describing the need for the measure;

(3) a section-by-section analysis of the measure as reported by the Committee, if the Chairman determines that one is helpful or necessary;

(4) a concise statement describing any changes in existing law made by the measure as reported by the Committee;

(5) a statement setting forth the legislative history of the measure, including the results and type of any vote on any amendment to the measure or on a motion to report the measure by the Committee or any Subcommittee, including the names of those Members voting for or against;

(6) the statements required by clause 2(l)(3) of Rule XI of the Rules of the House of Representatives;

(7) a detailed analytical statement whether the measure may have an inflationary impact on prices and costs in the operation of the national economy;

(8) a five-year estimate of the measure if enacted;

(9) a statement in accordance with section 5(b) of the Federal Advisory Committee Act;

(10) a statement of administration or departmental views on the measure; and

(11) any supplemental, additional or minority views filed pursuant to paragraph (e) of this Rule. Any report containing these views shall indicate so on its title page.

(e) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Clerk not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) of the time the bill or resolution is approved by the Committee.

(f) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report at least 24 hours before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (e).

RULE 8. RECOMMENDATION OF HOUSE-SENATE CONFEREES

(a) Recommendations.—Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure.

(b) Ratio.—The ratio of Majority Members to Minority Members of conferences shall be no greater than the ratio on the Committee.

RULE 9. ESTABLISHMENT OF SUBCOMMITTEES; SIZE OF PARTY RATIOS

(a) Subcommittees and Size.—There shall be the following five standing Subcommittees of the Committee. These Subcommittees, with the following sizes and Majority/Minority ratios are:

(1) Subcommittee on National Parks, Forests and Lands (25 Members: 14 Majority, 11 Minority);

(2) Subcommittee on Fisheries, Wildlife and Oceans (14 Members: 8 Majority, 6 Minority);

(3) Subcommittee on Energy and Mineral Resources (14 Members: 8 Majority, 6 Minority);

(4) Subcommittee on Water and Power Resources (20 Members: 11 Majority, 9 Minority);

(5) Subcommittee on Native American and Insular Affairs (11 Members: 6 Majority, 5 Minority);

(b) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio Members of each standing Subcommittee and have the right fully to participate in Subcommittee affairs except for the right to vote. Ex-officio Members shall not be counted in establishing the presence of a quorum.

RULE 10. JURISDICTION

(a) Subcommittees.—The jurisdiction of the Committee's five standing Subcommittees, including legislative, investigative, and oversight responsibilities, shall be as follows:

Subcommittee on National Parks, Forests and Lands

(1) Measures and matters related to the National Park System and all of its units.

(2) National Wild and Scenic Rivers System, National Trails System, national recreation areas, and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of the Interior and the Secretary of Agriculture.

(3) Military parks, battlefields, cemeteries, and parks administered by the Secretary of the Interior within the District of Columbia.

(4) Except for Alaska, the National Wilderness Preservation System generally, and all matters regarding wilderness in the National Park System.

(5) Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund.

(6) Plans and programs concerning non-Federal outdoor recreation and land use, including related plans and programs authorized by the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963.

(7) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including programs for international cooperation in the field of historic preservation.

(8) Matter concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, American Conservation Corps, and U.S. Holocaust Memorial.

(9) Except for pubic lands in Alaska, public lands generally, including measures or matters related to entry, easements, withdrawals, and grazing.

(10) Except in Alaska, forest reservations, including management thereof, created from the public domain.

(11) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(12) Federal reserved water rights on public lands and forest reserves.

(13) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries, Wildlife, and Oceans

(1) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(2) Wildlife resources, including research, restoration, refuges and conservation.

(3) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(4) Coastal barriers.

(5) Oceanography.

(6) Ocean engineering, including materials, technology and systems.

(7) Coastal zone management.

(8) Marine sanctuaries.

(9) U.N. Convention on the Law of the Sea.

(10) Sea Grant programs and marine extension services.

(11) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power Resources

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs, saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights, and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development programs, including policies and procedures.

(5) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Native American and Insular Affairs

(1) Except for Native Alaskans, measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(2) Except for Native Alaskans, all matters regarding the relations of the United States with the Indians and the Indian tribes, including special oversight functions under clause 3(e) of Rule X of the Rules of the House of Representatives.

(3) All matters regarding Native Hawaiians.

(4) Except for Native Alaskans, all matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(5) All matters regarding insular areas of the United States.

(6) All measures or matters regarding the Freely Associated States and Antarctica.

(7) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources within the jurisdiction of the Committee.

(8) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) FULL COMMITTEE.—The following measures and matters shall be retained at Full Committee:

(1) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(2) Measures and matters relating to Alaska public lands, including forestry and forest management issues, and Federal reserved water rights.

(3) Environmental and habitat measures and matters of general applicability.

(4) All measures and matters relating to Native Alaskans.

(5) All measures and matters retained by the Full Committee under Rule 15.

RULE 11. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) APPOINTMENT.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) EX-OFFICIO MEMBERS.—The Chairman and Ranking Minority Member of the Committee shall serve as ex-officio Members of each Task Force, or special or select Subcommittee.

(c) PARTY RATIOS.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) TEMPORARY RESIGNATION.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

RULE 12. SUBCOMMITTEE CHAIRMEN

(a) SENIORITY.—The Majority Members of the Committee are entitled, in order of Full Committee seniority, to bid for the chairmanship of each standing Subcommittee. Any such bid shall be subject to approval by a majority of the Members of the Majority party of the Committee.

(b) TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee.

RULE 13. RANKING MINORITY MEMBERS

The Ranking Minority Member shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee to be chosen by such procedures as the Minority may adopt.

RULE 14. POWERS AND DUTIES OF SUBCOMMITTEES

(a) MEET AND ACT.—Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters within its jurisdiction.

(b) CONSULTATION.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee or Subcommittee meetings.

(c) OVERSIGHT.—(1) Each Subcommittee shall review and study, on a continuing basis the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress.

(2) Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee.

RULE 15. REFERRAL OF LEGISLATION TO SUBCOMMITTEE

(a) REFERRAL.—In accordance with Rule 10, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee, unless the Chairman, with the approval of a Majority Members of the Committee, orders that it be retained for consideration by the Full Committee or that it be referred to a select or special Subcommittee.

(b) RECALL BY NOTICE.—A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for the purpose of direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object.

(c) RECALL BY VOTE.—A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee, a quorum being present, for direct consideration by the Full Committee or for referral to another Subcommittee.

RULE 16. COMMITTEE CONSIDERATION

(a) LAYOVER.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action.

(b) COPY OF BILL.—No bill shall be considered by the Committee unless a copy has been delivered to the office of each Member of the Committee requesting a copy, with a section-by-section explanation.

(c) WAIVER.—The requirements of paragraphs (a) and (b) may be waived by a majority vote of the Committee.

RULE 17. DISCLAIMER

All Committee or Subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report:

''This report has not been officially adopted by the [Committee on Resources] [pertinent Subcommittee] and may not therefore necessarily reflect the views of its Members.''.

RULE 18. COMMITTEE RECORDS

(a) SEGREGATION OF RECORDS.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairman or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them.

(b) AVAILABILITY.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee;

(2) the result of each rollcall vote taken in the Committee, including a description of the amendment, motion, order or other proposition voted on;

(3) the name of each Committee Member voting for or against a proposition; and

(4) the name of each Member present but not voting.

(c) ARCHIVED RECORDS.—Records of the Committee which are deposited with the National Archives shall be made available pursuant to the Rules of the House of Representatives. The Chairman of the Committee shall notify the Ranking Minority Member of any decision to withhold a record pursuant to the Rules of the House of Representatives, and shall present the matter to the Committee upon written request of any Committee Member.

(d) RECORDS OF CLOSED MEETINGS.—Notwithstanding the other provisions of this Rule, no records of Committee meetings or hearings which were closed to the public pursuant to Rule 3 shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) CLASSIFIED MATERIALS.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 19. COMMITTEE BUDGET AND EXPENSES

(a) BUDGET.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee, the Chairman shall propose and present to the Committee for its approval a budget covering the funding required for staff, travel, and miscellaneous expenses. The budget shall include amounts required for all activities and programs of the Committee and the Subcommittees.

(b) EXPENSE RESOLUTION.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 5 of Rule XI of the Rules of the House of Representatives, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Oversight and by the House of Representatives.

(c) AMENDMENTS.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) ADDITIONAL EXPENSES.—Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this Rule.

(e) MONTHLY REPORTS.—Copies of each monthly report, prepared by the Chairman for the Committee on House Oversight, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 20. COMMITTEE STAFF

(a) RULES AND POLICIES.—Committee staff Members are subject to the provisions of clause 6 of Rule XI of the Rules of the House of Representatives, as well as any written personnel policies as the Committee may from time to time adopt.

(b) MAJORITY AND NONPARTISAN STAFF.—The Chairman shall nominate for appointment by the Committee, determine the remuneration of, and may remove, the professional and clerical employees of the Committee not assigned to the Minority. The professional and clerical staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff Members and delegate any authority as he determines appropriate.

(c) MINORITY STAFF.—The Ranking Minority Member of the Committee shall nominate for appointment by the Committee, determine the remuneration of, and may remove, the professional and clerical staff assigned to the Minority within the budget approved for those purposes. The professional and clerical staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority as he determines appropriate.

(d) AVAILABILITY.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 21. COMMITTEE TRAVEL

In addition to any written travel policies as the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clause 5 of Rule XI of the Rules of the House of Representatives are for expenses incurred in the Committee's activities within the United States.

RULE 22. CHANGES TO THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for today, on account of family illness.

Mr. YATES (at the request of Mr. GEPHARDT), for Wednesday, January 18, and for the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CLAYTON) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. SCARBOROUGH) to revise and extend their remarks and include extraneous material:)

Mr. EHLERS, for 5 minutes each day, for today, January 20, and 21.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. GOODLING, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BENTSEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. CLAYTON) and to include extraneous matter:)

Mr. BONIOR.

Mr. COLEMAN.

Mr. KANJORSKI.

Mr. LEVIN.

Mrs. LINCOLN.

Mr. DIXON in two instances.

Mr. ORTIZ.

Mr. UNDERWOOD.

Ms. ESHOO.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. HUNTER.

Mr. PACKARD.

Mr. WALSH.

Mr. QUINN.

Mr. MOORHEAD.

Mrs. VUCANOVICH.

Mr. LAHOOD.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. HILLIARD.

Mr. BEILENSON in two instances.

Mr. GOODLATTE.

Mr. YOUNG of Alaska.

Mr. WELDON of Pennsylvania.

Mr. WELLER.

Mr. STENHOLM.

Mr. TEJEDA.

Mrs. MEEK of Florida.

Mr. BARCIA.

Mr. LAFALCE.

Mr. ACKERMAN.

Mr. HOYER.

Mr. MANZULLO.

Mr. FRANKS of New Jersey.

Mr. BONILLA.

Mr. DEUTSCH.

Mr. DAVIS.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p.m.), the House adjourned until Friday, January 20, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

185. A letter from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting proceedings of the 95th national convention of the Veterans of Foreign Wars of the United States, held in Las Vegas, NV, August 21–26, 1994, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332 (H. Doc. No. 104–20); to the Committee on National Security and ordered to be printed.

186. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan for the settlement of the claims of the confederated tribes of the Colville Reservation Tribe concerning their contributions to the production of hydropower by the Grand Coulee Dam; to the Committee on Resources.

187. A letter from the Secretary of Labor, transmitting the third biennial report on internationally recognized worker rights, pursuant to 19 U.S.C. 2465(c); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted From the Record of January 2, 1995]

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. Summary of activities of the Committee on Banking, Finance and Urban Affairs during the 103d Congress. (Rept. 103–892). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska:

H.R. 566. A bill to authorize the Secretary of the Interior to consolidate the surface and subsurface estates of certain lands within three conservation system units on the Alaska Peninsula, and for other purposes; to the Committee on Resources.

By Mr. BENTSEN:

H.R. 567. A bill to require that the President transmit to Congress, that the congressional Budget Committees report, and that the Congress consider a balanced budget for each fiscal year; to the Committee on Government Reform and Oversight, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.R. 568. A bill to amend title 10, United States Code, to provide for improved treatment of future actuarial gains and losses to the Department of Defense military retirement fund; to the Committee on National Security.

By Mr. BEILENSON:

H.R. 569. A bill to provide for the separate administration of the Border Patrol and the Immigration and Naturalization Service; to the Committee on the Judiciary.

H.R. 570. A bill to provide for the improved enforcement of the employer sanctions law, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself, Mr. EDWARDS, Mr. POMBO, Mr. FIELDS of Texas, Mr. LAUGHLIN, Mr. COMBEST, Mr. PETE GEREN of Texas, Mr. SMITH of Texas, Mr. BREWSTER, Mr. DICKEY, Mr. MONTGOMERY, Mr. ROGERS, Mr. STENHOLM, Mr. ROYCE, Mr. PARKER, Mr. THORNBERRY, Mr. EVERETT, Mr. SAM JOHNSON of Texas, Mr. HUTCHINSON, Mr. CALVERT, Mr. BONO, Mr. CANADY of Florida, Mr. SHADEGG, Mr. CUNNINGHAM, and Mr. BALLENGER):

H.R. 571. A bill to amend the Endangered Species Act of 1973 to provide that no species may be determined to be an endangered species or threatened species, and no critical habitat may be designated, until that act is reauthorized; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself, Mr. MINGE, Mr. GENE GREEN of Texas, Mr. FARR, Mr. DOYLE, Mrs. MALONEY, Mr. HINCHEY, Mr. MEEHAN, Mr. BARRETT of Wisconsin, Ms. KAPTUR, and Mr. BARCIA):

H.R. 572. A bill to provide for return of excess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Oversight.

By Mr. CLEMENT:

H.R. 573. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. COLEMAN:

H.R. 574. A bill to provide for the operation of laboratories to carry out certain public-health functions for the region along the international border with Mexico; to the Committee on Commerce.

By Mr. GOODLATTE:

H.R. 575. A bill to amend chapter 84 of title 5, United States Code, to provide that annuities for Members of Congress be computed under the same formula as applies to Federal employees generally, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. HAYES:R. 576. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for fuels produced from offshore deep-water projects; to the Committee on Ways and Means.

H.R. 577. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the production of oil and gas from existing marginal oil and gas wells and from new oil and gas wells; to the Committee on Ways and Means.

H.R. 578. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. CRANE, and Mr. DOOLITTLE):

H.R. 579. A bill to amend the National Foundation on the Humanities and the Humanities Act of 1965 to abolish the National Endowment for the Arts and the National Council on the Humanities; to the Committee on Economic and Educational Opportunities.

By Mr. HEFLEY (for himself, Mr. PETE GEREN of Texas, Mr. BARTON of Texas, Mr. CONDIT, and Mr. SAM JOHNSON):

H.R. 580. A bill to amend title XVIII of the Social Security Act and title 10, United States Code, to allow the Secretary of Health and Human Services to reimburse the Military Health Services System for care provided to Medicare-eligible military retirees and their spouses in the Military Health Services System; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. UPTON, Mr. KNOLLENBERG, Mr. BARCIA, Mr. SMITH of Michigan, Mr. CAMP, and Mr. CHRYSLER):

H.R. 581. A bill to amend the Clean Air Act to permit areas not contributing to more than 35 percent of ozone concentrations to comply with marginal area requirements for purposes of ozone nonattainment; to the Committee on Commerce.

By Mr. KIM:

H.R. 582. A bill to amend the Internal Revenue Code of 1986 to revise the rules for determining the employment status of individuals as employees or independent contractors; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. MINGE, and Mrs. LINCOLN):

H.R. 583. A bill to direct the Secretary of the Interior to convey certain fish hatcheries to the States of Iowa, Minnesota, and Arkansas; to the Committee on Resources.

By Mr. LEACH:

H.R. 584. A bill to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa; to the Committee on Resources.

By Mrs. LINCOLN:

H.R. 585. A bill to amend title 37, United States Code, to prohibit the accrual of pay and allowances by members of the Armed Forces who are confined pending dismissal or a dishonorable or bad-conduct discharge; to the Committee on National Security.

By Mrs. MALONEY:

H.R. 586. A bill to amend part E of title IV of the Social Security Act to require States to administer qualifying examinations to all State employees with new authority to make decisions regarding child welfare services, to expedite the permanent placement of foster children, to facilitate the placement of foster children in permanent kinship care arrangements, and to require State agencies, in considering applications to adopt certain foster children, to give preference to applications of a foster parent or caretaker relative of the child; to the Committee on Ways and Means.

By Mr. MOORHEAD (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. COBLE, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GOODLATTE, Mr. GEKAS, Mr. BONO, Mr. CANADY of Florida, and Mr. HOKE):

H.R. 587. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts:

H.R. 588. A bill to amend title 23, United States Code, relating to drunk driving; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 589. A bill to improve the safety and convenience of air travel by establishing the Federal Aviation Administration as an independent Federal agency; to the Committee on Transportation and Infrastructure.

H.R. 590. A bill to amend title 49, United States Code, relating to air carrier safety; to the Committee on Transportation and Infrastructure.

By Mr. POSHARD:

H.R. 591. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in elections for Federal office and to reduce the limitation on contributions to candidates by persons other than multicandidate political committees; to the Committee on House Oversight.

By Mr. ROHRABACHER:

H.R. 592. A bill to amend the Immigration and Nationality Act to repeal the provision allowing adjustment of status of unlawful aliens in the United States; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself, Mr. DOOLITTLE, Mr. MOORHEAD, Mr. MANZULLO, Mr. BURTON of Indiana, Mr. HASTERT, Mr. STUMP, Mr. MCCOLLUM, Mr. BLUTE, Mr. BARTLETT of Maryland, Mr. KING, Mr. KNOLLENBERG, Mr. ZIMMER, Mr. SENSENBRENNER, Mr. BUNNING of Kentucky, Mr. SPENCE, Mr. DORNAN, Mr. BUNN of Oregon, Mr. FORBES, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. FOX, Mr. HALL of Texas, Mr. ISTOOK, and Mr. SOLOMON):

H.R. 593. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the one-time exclusion of gain from sale of a principal residence by individuals who have attained age 55, to increase the amount of the unified estate and gift tax credits, and to reduce the tax on capital gains; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 594. A bill to amend title 28, United States Code, with respect to photographing, recording, and broadcasting court proceedings; to the Committee on the Judiciary.

By Mr. TEJEDA:

H.R. 595. A bill to authorize the Secretary of the Army to convey certain excess real property located at Fort Sam Houston, TX; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. VUCANOVICH:

H.R. 596. A bill to require the identification of certain high-fire-risk Federal forest lands in the State of Nevada, the clearing of forest fuels in such areas, and the submission of a fire prevention plan and budget; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEILENSON:

H.J. Res. 56. Joint resolution proposing an amendment to the Constitution of the United States to restrict the requirement of citizenship at birth by virtue of birth in the United States to persons with a legal resident mother or father; to the Committee on the Judiciary.

By Mr. DEUTSCH:

H.J. Res. 57. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HOKE:

H.J. Res. 58. Joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. POSHARD:

H.J. Res. 59. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

H.J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States relating to a Federal balanced budget; to the Committee on the Judiciary.

By Mr. ANDREWS:

H. Res. 39. Resolution requiring the House of Representatives to take any legislation action necessary to verify the ratification of the equal rights amendment as a part of the Constitution, when the legislatures of an additional three States ratify the equal rights amendment; to the Committee on the Judiciary.

By Mr. BRYANT of Texas (for himself, Mr. BONIOR, Mr. FAZIO of California, Mr. OBEY, Mrs. SCHROEDER, Mr. MILLER of California, Mr. PETERSON of Florida, Mr. BARRETT of Wisconsin,

MS. KAPTUR, Mr. DURBIN, Mr. MINGE, Ms. DELAURO, Mr. KANJORSKI, and Mr. SCHUMER):

H. Res. 40. Resolution to amend the Rules of the House of Representatives concerning the receipt of gifts from lobbyists and other persons and for other purposes; to the Committee on Standards of Official Conduct, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Ms. PRYCE.

H.R. 5: Mr. ALLARD, Mr. COBLE, and Mr. LEWIS of California.

H.R. 28: Mr. WALSH, Mr. ROYCE, Mr. HANCOCK, and Mr. HUTCHINSON.

H.R. 38: Mr. BEVILL, Mrs. FOWLER, Ms. FURSE, Mr. BARCIA of Michigan, Mr. COLEMAN, Mr. HEFLEY, Mr. RAHALL, Mr. TEJEDA, Mr. LEWIS of California, Mr. ACKERMAN, Mr. BLUTE, and Mr. HEFNER.

H.R. 46: Mr. WALKER, Mr. FOX, Mr. ENGLISH of Pennsylvania, Mr. HOLDEN, Mr. SOLOMON, Mr. BUNNING of Kentucky, Mr. HANSEN, Mr. BARTLETT of Maryland, Mr. ROHRABACHER, Mr. DAVIS, Mr. KNOLLENBERG, Mr. BAKER of Louisiana, Mr. PICKETT, and Mr. NEUMANN.

H.R. 56: Mrs. FOWLER, Mr. FOX, Mrs. VUCANOVICH, Mr. COBURN, Mr. SKEEN, Ms. MOLINARI, Mr. CHABOT, Mr. TATE, Mr. INGLIS of South Carolina, and Mr. MCHUGH.

H.R. 62: Mr. HAYES, Mr. BONILLA, Mr. HERGER, Mr. KNOLLENBERG, Mr. SKEEN, Mr. LEWIS of California, Mr. GALLEGLY, Mr. SMITH of Texas, and Mr. WALSH.

H.R. 65: Mr. ENGLISH of Pennsylvania, Mr. EMERSON, Mr. CHAPMAN, Mr. SANDERS, Mr. WOLF, Mr. FROST, Mr. FILNER, Mr. BARTLETT of Maryland, and Mr. SCHIFF.

H.R. 76: Mr. NEUMANN.

H.R. 77: Mr. BALLENGER and Mr. NEUMANN.

H.R. 78: Mr. FIELDS of Texas and Mr. WAMP.

H.R. 95: Mr. DOOLEY, Mr. FROST, Mr. WYNN, Mr. HEFNER, Mr. GEJDENSON, Ms. VELÁZQUEZ, Mr. ENGLISH of Pennsylvania, Mr. POMEROY, Mr. TORRES, Ms. DANNER, Mr. DELLUMS, and Mr. FATTAH.

H.R. 103: Mr. SCHUMER, Mr. STEARNS, Mrs. MEEK of Florida, and MR. SCHIFF.

H.R. 107: Mr. ENGLISH of Pennsylvania and Mr. SANDERS.

H.R. 109: Mr. EMERSON, Mr. FROST, Mr. KNOLLENBERG, Mr. BAKER of California, Mr. SANDERS, Mr. BALLENGER, and Mr. FRANK of Massachusetts.

H.R. 139: Mr. SAXTON.

H.R. 142: Mr. KING, Mr. HANCOCK, and Mr. EMERSON.

H.R. 218: Mr. HANCOCK and Mr. LIGHTFOOT.

H.R. 230: Mr. LIPINSKI.

H.R. 303: Mr. ENGLISH of Pennsylvania, Mr. EMERSON, Mr. CHAPMAN, Mr. SANDERS, Mr. FROST, Mr. FILNER, and Mr. SCHIFF.

H.R. 325: Mr. BILBRAY, Mr. CASTLE, Mr. FOX, Mr. BONO, Mr. SENSENBRENNER, Mr. EMERSON, Mr. PORTMAN, Mr. CONDIT, and Mr. ROBERTS.

H.R. 326: Mr. DELAY, Mr. BEREUTER, Mr. DREIER, Mr. DOOLITTLE, Mr. Miller of Florida, Mr. LARGENT, Mr. HASTERT, Mr. ROHRABACHER, Mr. MCKEON, Mr. ROYCE, Mr. BILBRAY, Mr. HANSEN, Mr. SKEEN, Mr. WICKER, Mr. BONO, Mr. PORTER, and Mr. BAKER of California.

H.R. 335: Mr. BREWSTER, Mr. MCNULTY, Mr. FROST, Mr. MCHUGH, Ms. DANNER, Mr. FILNER, Mr. MANZULLO, Mr. RAHALL, Mrs. RIVERS, Mr. OLVER, Mr. UNDERWOOD, Mr. WICKER, Mr. FORBES, Mr. GANSKE, Mr. ROYCE, Mr. SAWYER, and Mr. PETE GEREN of Texas.

H.R. 353: Mr. WILLIAMS, Mr. TORRES, Mr. BEILENSON, Mr. LIPINSKI, Mr. MANTON, Mr. WALSH, Mr. BARRETT of Nebraska, Mrs. MALONEY, and Mr. WILSON.

H.R. 359: Mr. FATTAH, Mr. TALENT, Mr. POSHARD, and Mr. BARCIA of Michigan.

H.R. 367: Mr. BEILENSON, Mr. CLAY, Mr. DELLUMS, Mr. FARR, Mr. FATTAH, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MILLER of California, Mr. OLVER, Mr. OWENS, Ms. PELOSI, Mr. SABO, Mr. STARK, Mr. TORRES, and Mr. UNDERWOOD.

H.R. 386: Mr. HILLIARD.

H.R. 390: Mr. ENGLISH of Pennsylvania, Mr. DOOLITTLE, Mr. HEFLEY, Mr. BAKER of California, Mr. BARTLETT of Maryland, Ms. MOLINARI, and Mr. WISE.

H.R. 394: Mr. CUNNINGHAM, Mr. HANCOCK, Mr. ROYCE, and Mr. SANFORD.

H.R. 404: Mr. GREENWOOD.

H.R. 463: Mr. BEREUTER and Mr. FRANK of Massachusetts.

H.R. 464: Mr. HAYES, Mr. TALENT, Mr. WAMP, and Mr. BARTON of Texas.

H.R. 489: Mr. COMBEST, Mr. WELLER, Mr. ROYCE, Mr. DOOLITTLE, Mr. PACKARD, Mr. STUMP, Mr. HERGER, and Mr. GOODLATTE.

H.R. 490: Mr. SAM JOHNSON, Mr. PACKARD, Mr. HOSTETTLER, and Mr. HERGER.

H.R. 493: Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, and Mr. ACKERMAN.

H.R. 494: Mr. CLYBURN, Mr. HILLIARD, Mr. FLAKE, and Mr. DELLUMS.

H.R. 502: Mr. BAKER of Louisiana and Mr. MCCOLLUM.

H.R. 513: Mr. GALLEGLY.

H.R. 519: Mr. SAXTON, Mr. HANCOCK, and Mr. SHADEGG.

H.R. 555: Mr. ENGEL and Mr. FILNER.

H.J. Res. 3: Mr. PETERSON of Minnesota.

H.J. Res. 48: Mr. SALMON, Mr. BALLENGER, Mr. COLLINS of Georgia, Ms. DUNN of Washington, Mr. STEARNS, Mr. QUINN, Mr. LINDER, Ms. PRYCE, Mr. BARTLETT of Maryland, Mr. JONES, Mr. LIGHTFOOT, and Mr. ROGERS.

H. Res. 30: Mr. BLUTE, Mr. ZIMMER, Mr. FILNER, Mr. ROHRABACHER, Mr. DOOLEY, Mr. MOORHEAD, Mr. SPENCE, Mr. GREENWOOD, Ms. FURSE, Mr. YATES, and Mr. RAMSTAD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5

OFFERED BY: MR. ALLARD

AMENDMENT NO. 26: In section 202(a), in the matter preceding paragraph (1), strike ''prepare a written statement containing—'' and insert ''prepare and submit to Congress a written statement identifying the provision of Federal law under which the rule is being promulgated and containing—''.

At the end of section 202 add the following:

(d) LIMITATION ON EFFECTIVENESS OF CERTAIN RULES.—A rule that includes any Federal intergovernmental mandate that may result in the expenditure by States, local governments, or tribal governments, of $50,000,000, in the aggregate, or more (adjusted annually for inflation) in any 1 year shall not take effect unless the rule is—

(1) specifically authorized by a law in effect on the date of the issuance of the rule in final form; or

(2) approved by a law enacted after that date.

H.R. 5

OFFERED BY: MR. BARTLETT OF MARYLAND

AMENDMENT NO. 27: At the end of section 102(a)(2) insert:

''(G) the process by which States are required to adopt and enforce implementation plans to achieve emission and pollution standards under the Clean Air Act and determine if this process is based on the most unbiased science data available.

At the end of section 102(a)(2)(E), strike ''and''.

In section 102(a)(2)(F), strike the period and insert ''; and''.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 28: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 29: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'' at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from exploitation in the workplace.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 30: In section 4(2) insert ''age,'' before ''race''.

H.R. 5

OFFERED BY: MR. BECERRA

AMENDMENT NO. 31: In the proposed section 422(2) of the Congressional Budget Act of 1974, insert ''age,'' before ''race''.

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 32: In the proposed section 421(a)(4)(ii) of the Congressional Budget Act of 1974 insert ''or the amount of appropriations'' after ''appropriations''.

In the heading for the proposed section 424(a) of the Congressional Budget Act of 1974, strike ''OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS''.

In paragraphs (1) and (2) of the proposed section 424(a) of the Congressional Budget Act of 1974, strike ''of authorization''.

In the proposed section 425(b) of the Congressional Budget Act of 1974, insert ''(2)'' after ''(a)''.

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 33: Amend section 425 of the Congressional Budget Act of 1974 to read as follows:

SEC. 425. POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution that is reported by a committee unless the committee has published the statement of the Director pursuant to section 424(a) prior to such consideration, except that this paragraph shall not apply to any supplemental statement prepared by the Director under section 424(a)(4).

(b) LIMITATION ON APPLICATION TO APPROPRIATIONS BILLS.—Subsection (a) shall not apply to a bill that is reported by the Committee on Appropriations or an amendment thereto.

Strike the proposed section 426 of the Congressional Budget Act of 1974 and strike the reference to such section in the amendment made by section 304.

H.R. 5

OFFERED BY: MR. BEILENSON

AMENDMENT NO. 34: At the end of title III add the following:

SEC. 307. SUNSET.

The amendments made by this title shall have no legal effect after the date of the final adjournment of the one hundred and fourth Congress and effective on that date such amendments are repealed.

H.R. 5

OFFERED BY: MR. BORSKI

AMENDMENT NO. 35: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

(B) known to cause or can reasonably be anticipated to cause in humans—

(i) cancer or teratogenic effects; or

(ii) serious or irreversible—

(I) reproductive dysfunctions;

(II) neurological disorders;

(III) heritable genetic mutations; or

(IV) other chronic health effects.

H.R. 5

OFFERED BY: MR. BORSKI

AMENDMENT NO. 36: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) establishes or enforces any condition or limitation on the addition into waters of the United States of pollutants that are—

''(A) known to cause or can reasonably be anticipated to cause significant adverse acute human health effects; or

''(B) known to cause or can reasonably be anticipated to cause in humans—

''(i) cancer or teratogenic effects; or

''(ii) serious or irreversible—

''(I) reproductive dysfunctions;

''(II) neurological disorders;

''(III) heritable genetic mutations; or

''(IV) other chronic health effects.

H.R. 5

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 37: In section 301(2), in the matter proposed to be added as a new Part B to title IV of the Congressional Budget Act of 1974, strike the closing quotation marks at the end and after that add the following new section:

''SEC. 426. UNIFORM APPLICATION.

''If a bill, joint resolution, amendment, motion, or conference report contains a Federal private sector mandate and a Federal intergovernmental mandate that would, if enacted, impose identical duties on both State and local governments and on the private sector, then, in such cases in which the Federal private sector mandate applies to private sector entities which are competing directly or indirectly with States, local governments, or tribal governments for the purpose of providing substantially similar goods or services to the public, this part shall apply to the Federal private sector mandate in that measure or matter in the same manner and to the same extent as it does to the Federal intergovernmental mandate.''.

H.R. 5

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 38: In section 301(2), in the matter proposed to be added as a new section 424(a)(2)(A) to the Congressional Budget Act of 1974, strike ''$100,000,000'' and insert ''$50,000,000''.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 39: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 40: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 41: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'', at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect children from hunger or homelessness.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 42: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'', at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect the health and safety of those, including children and discouraged workers, who, through no fault of their own, receive welfare assistance.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 43: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 44: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'', at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect school children from exposure to dangerous conditions in schools, including exposure to asbestos and lead paint.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 45: In the proposed section 421(4) of the Congressional Budget Act of 1974, strike the period at the end of subparagraph (B) and insert a comma and insert after and below subparagraph (B) the following:

except that such term does not include a provision in any bill, joint resolution, motion, amendment, or conference report that would apply in the same manner to both the activities, facilities, or services of State, local, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 46: In section 4 strike ''or'' at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and add after paragraph (7) the following:

(8) would apply in the same manner to both the activities, facilities, or services of State, local, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 47: In section 4 strike ''or'' at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and add after paragraph (7) the following:

(8) would amend the Fair Labor Standards Act of 1938, the Act of March 3, 1931 (known as the Davis-Bacon Act), the Service Contract Act of 1965, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Employee Polygraph Protection Act of 1988, or the Age Discrimination in Employment Act of 1967.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 48: In the proposed section 421(4) of the Congressional Budget Act of 1974, strike the period at the end of subparagraph (B) and insert a comma and insert after and below subparagraph (B) the following:

except that such term does not include a provision in any bill, joint resolution, motion, amendment, or conference report that would amend the Fair Labor Standards Act of 1938, the Act of March 3, 1931 (known as the Davis-Bacon Act), the Service Contract Act of 1965, the Family and Medical Leave Act of 1993, the Occupational Safety and Health Act of 1970, the Employee Polygraph Protection Act of 1988, or the Age Discrimination in Employment Act of 1967.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 49: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert ''; or'', and add after paragraph (7) the following:

(8) is necessary to protect the health, safety or welfare of children, pregnant women, and the elderly.

H.R. 5

OFFERED BY: MR. CLAY

AMENDMENT NO. 50: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'' at the end of paragraph (7), and add after paragraph (7) the following:

(8) is necessary to protect the health, safety or welfare of children, pregnant women, and the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 51: In section 306, strike ''October 1, 1995'' and insert ''at the end of the 10-day period beginning on the date of the enactment of this Act''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 52; In section 301, in the text proposed to be added as section 425 of the Congressional Budget Act of 1974, strike subsection (b) (and redesignate the subsequent subsections accordingly).

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 53: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) pertains to title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.),

commonly referred to as the ''Safe Drinking Water Act''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 54: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) pertains to title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.), commonly referred to as the 'Safe Drinking Water Act'.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 55: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) pertains to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), commonly referred to as the ''Clean Water Act''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 56: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) pertains to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) commonly referred to as the 'Clean Water Act'.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 57: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) pertains to the Clean Air Act.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 58: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) pertains to the Clean Air Act.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 59: In section 4(5), before the semicolon at the end insert the following: '', or provides for protection of the health or safety of infants or children''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 60: In section 301, in the proposed section 422(5) of the Congressional Budget Act of 1974, before the semicolon at the end insert the following: '', or provides for protection of the health or safety of infants or children''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 61: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) provides for protection of the health or safety of infants or children.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 62: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) provides for protection of the health or safety of infants or children.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 63: In section 301, in the proposed section 425(d) of the Congressional Budget Act of 1974, after ''Chairman'' each place it appears insert ''and ranking minority party member''.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 64: After section 4, insert the following new section:

SEC. . JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act and no amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act and no amendment made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 65: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) provides for protection of the health of infants, children, pregnant women, or the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 66: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) provides for protection of the health of infants, children, pregnant women, or the elderly.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 67: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) provides for the protection of public health, safety, or the environment.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 68: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon in paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) provides for the protection of public health, safety, or the environment.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 69: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) provides for aviation security or airport security.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 70: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) provides for aviation security or airport security.

H.R. 5

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 71: In section 301, in the proposed section 421(4)(A)(ii) of the Congressional Budget Act of 1974, after ''amount of'' insert ''appropriations or''.

H.R. 5

OFFERED BY: MR. COOLEY

AMENDMENT NO. 72: In section 425(a) of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (1), strike the period at the end of paragraph (2) and insert ''; or'', and add after paragraph (2) the following:

''(3) any bill, joint resolution, amendment, motion, or conference report that contains a Federal private sector mandate having direct costs that exceed the threshold specified in section 424(a)(2)(A), or that would cause the direct costs of any other Federal private sector mandate to exceed the threshold specified in section 424(a)(2)(A), unless—

''(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for the Federal private sector mandate included in the bill, joint resolution, amendment, motion, or conference report in an amount that equals or exceeds the estimated direct costs of such mandate;

''(B) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts or a decrease in new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate and an increase in new budget authority or new entitlement authority in the House of Representatives or an increase direct spending authority for each fiscal year for the Federal private sector mandate included in the bill, joint resolution, amendment, motion, or conference report in an amount that equals or exceeds the estimated direct costs of such mandate; or

''(C) the bill, joint resolution, amendment, motion, or conference report provides that such mandate shall be effective for any fiscal year only if all direct costs of such mandate in the fiscal year are provided in appropriations Acts, and in the case of such a mandate contained in the bill, joint resolution, amendment, motion, or conference report, the mandate is repealed effective on the first day of any fiscal year for which all direct costs of such mandate are not provided in appropriations Acts.

H.R. 5

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 73: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the

semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) regulates the licensing, construction, or operation of nuclear reactors or the disposal of nuclear waste.

H.R. 5

OFFERED BY: MR. HAYES

AMENDMENT NO. 74: In section 202(a), in the matter preceding paragraph (1), after ''$100,000,000 (adjusted annually for inflation)'' insert ''or a net elimination of 10,000 jobs''.

H.R. 5

OFFERED BY: MR. HAYES

AMENDMENT NO. 75: In section 301, in the matter proposed as section 424(a)(2)(A) of the Congressional Budget Act of 1974, after ''$100,000,000 (adjusted annually for inflation)'' insert ''or a net elimination of 10,000 jobs''.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 76: At the end, add the following new title:

TITLE IV—SUNSET

SEC. 401. TERMINATION DATE.

This Act shall cease to be in effect on January 3, 2000.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 77: In section 301(2), in the matter proposed to be added as a new section 425 to the Congressional Budget Act of 1974, at the end add the following new subsection:

''(f) LIMITATION ON APPLICATION IF DIRECTOR FAILS TO PRODUCE TIMELY REPORT.—Subsection (a) shall not apply to a bill, joint resolution, amendment, motion, or conference report if the Director has 30 calendar days in which to review that measure or matter and does not issue a statement pursuant to section 424(a).

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 78: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) pertains to Medicare.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 79: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) requires State governments and local governments to participate in establishing and maintaining a national database for the identification of child molesters, child abusers, persons convicted of sex crimes, persons under a restraining order, or persons who have failed to pay child support.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 80: In section 103(a), in the matter preceding paragraph (1), strike ''9'' and insert ''8''.

In section 103(a), strike paragraphs (1), (2), and (3) and insert the following new paragraphs:

(1) 2 members appointed by the Speaker of the House of Representatives.

(2) 1 member appointed by the minority leader of the House of Representatives.

(3) 2 members appointed by the majority leader of the Senate.

(4) 1 member appointed by the minority leader of the Senate.

(5) 2 members appointed by the President.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 81: In section 4(2), after ''national origin,'' insert ''age,''.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 82: In section 301, in the matter proposed as section 422(2) of the Congressional Budget Act of 1974, after ''national origin,'' insert ''age,''.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 83: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) pertains to child support or alimony.

H.R. 5

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 84: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) pertains to investor protection, the safe and sound operation of financial markets, federally insured depository institutions and credit unions (as those terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) or section 101 of the Federal Credit Union Act (12 U.S.C. 1752), respectively), or the deposit insurance funds that insure the deposits or member accounts in those depository institutions or credit unions.

H.R. 5

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 85:

SEC. 205. CLARIFICATION OF MANDATE ISSUE AS TO GREAT LAKES WATER QUALITY GUIDANCE.

Section (c)(2)(C) of the Federal Water Pollution Control Act (33 U.S.C. Section 1268(c)(2) is amended by adding at the end thereof the following new sentence:

''For purposes of this subparagraph, the requirement that the States adopt programs 'consistent with' the Great Lakes guidance shall mean that the States are required to take the guidance into account in adopting their programs for waters within the Great Lakes System, but are in no event required to adopt programs that are identical or substantially identical to the provisions in the guidance.''

H.R. 5

OFFERED BY: MR. LEVIN

AMENDMENT NO. 86: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) relates to study, control, deterring, preventing, prohibition, or other mitigation of child pornography.

H.R. 5

OFFERED BY: MR. LEVIN

AMENDMENT NO. 87: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) relates to study, control, deterring, preventing, prohibition, or other mitigation of child pornography.

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 88: In section 2(7), before the semicolon insert the following: '', and that Congress shall not impose any Federal mandate on a State (including a requirement to pay matching amounts) unless the State is prohibited under Federal law from requiring, without consent of a local government, that the local government perform the activities that constitute compliance with the mandate''.

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 89: In section 102(a)(1), before the semicolon insert the following: '', including by investigating and reviewing the extent to which States require local governments, without their consent, to perform duties imposed on State governments by unfunded Federal mandates (including any duty to pay a matching amount as a condition of Federal assistance)''.

H.R. 5

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 90: In section 301, at the end and immediately below the matter proposed as section 421(4)(B) of the Congressional Budget Act of 1974, add the following:

Subparagraph (A)(i) (I) and (II) shall not apply to a condition or duty, respectively, unless each State that is subject to the condition or duty is prohibited under Federal law from requiring, without the consent of a local government, that the local government perform the activities that constitute fulfillment of the condition or performance of the duty.

H.R. 5

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 91: In section 301(2), in the matter proposed to be added as a new section 422 to the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and at the end add the following new paragraph:

''(8) provides for the protection of the health of children.

H.R. 5

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 92: In section 4, strike ''or after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and at the end add the following new paragraph:

(8) provides for the protection of the health of children.

H.R. 5

OFFERED BY: MR. MARTINEZ

AMENDMENT NO. 93: In section 4, before ''This Act'' insert ''(a) IN GENERAL.—'', and at the end of the section add the following:

(b) REQUIREMENTS UNDER OTHER LAWS.—This Act shall not apply to any requirement in effect on December 31, 1994, under—

(1) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

(2) the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.).

H.R. 5

OFFERED BY: MR. MASCARA

AMENDMENT NO. 94: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) requires compliance with section 402(a)(27) of the Social Security Act, any provision of part D of title IV of the Social Security Act, or any other Federal law relating

to establishment or enforcement of child support obligations.

H.R. 5

OFFERED BY: MR. MINETA

AMENDMENT NO. 95: In section 301, at the end of the proposed section 421(4) of the Congressional Budget Act of 1974, add the following:

Such term shall not be construed to include a provision in legislation, statute, or regulation that preempts a State, local, or tribal government from enacting or enforcing a law, regulating, or other provision having the force of law related to economic regulation, including limitations on revenues to such governments.

H.R. 5

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 96: In section 301, in the matter proposed as section 421(4)(A)(i)(II) of the Congressional Budget Act of 1974, strike ''except as provided in subparagraph (B)''.

In section 301, in the matter proposed as section 421(4) of the Congressional Budget Act of 1974, strike subparagraph (B).

In Section 301, in the matter proposed as section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and insert at the end the following:

''(8) requires compliance with certain conditions necessary to receive grants or other money provided by the Federal Government in programs for which the States, local governments, or tribal governments voluntarily apply.

H.R. 5

OFFERED BY: MR. MOAKLEY

AMENDMENT NO. 97: In the proposed section 425 of the Congressional Budget Act of 1974, strike subsection (d).

H.R. 5

OFFERED BY: MR. MOAKLEY

AMENDMENT NO. 98: In the proposed section 426 of the Congressional Budget Act of 1974, strike ''10 minutes'' and insert ''30 minutes''.

H.R. 5

OFFERED BY: MR. MORAN

AMENDMENT NO. 99: In the proposed section 421(4) of the Congressional Budget Act of 1974, add after and below subparagraph (B) the following:

A mandate which would apply an enforceable mandate equally on State, local, or tribal governments and the private sector shall not, for purposes of section 425(a)(2), be considered a Federal intergovernmental mandate.

H.R. 5

OFFERED BY: MS. NORTON

AMENDMENT NO. 100: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) establishes or enforces an obligation to pay child support.

In section 301, in proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) establishes or enforces an obligation to pay child support.

H.R. 5

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 101: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) requires actions to further aviation safety or aviation security.

H.R. 5

OFFSERED BY: MR. OBERSTAR

AMENDMENT NO. 102: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) requires actions to further aviation safety or aviation security.

H.R. 5

OFFERED BY: MR. PETERSON OF FLORIDA

AMENDMENT NO. 103: At the end of title II, add the following:

SEC. . PROHIBITION ON USE OF FEDERAL AMOUNTS TO PROVIDE ASSISTANCE OR PAY CLAIMS RELATING TO FAILURE TO COMPLY WITH FEDERAL MANDATES.

Notwithstanding any other law, amounts provided by the Federal Government may not be used to—

(1) provide any assistance with respect to any injury incurred as a result of a failure by a State, local government, or tribal government to comply with a Federal mandate; or

(2) pay any claim arising from such a failure.

H.R. 5

OFFERED BY: MR. PETERSON OF MINNESOTA

AMENDMENT NO. 104: In section 301, in the proposed section 424(a)(1)(A) of the Congressional Budget Act of 1974, strike ''$50,000,000'' and insert ''$25,000,000''.

In section 301, in the proposed section 424(a)(2)(A) of the Congressional Budget Act of 1974, strike ''$100,000,000'' and insert ''$50,000,000''.

H.R. 5

OFFERED BY: MR. PORTMAN

AMENDMENT NO. 105: In section 301, in the proposed section 423(b)(2) of the Congressional Budget Act of 1974, amend subparagraph (C) to read as follows:

''(C) a statement of—

''(i) the degree to which the Federal mandate affects each of the public and private sectors, including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or on the competitive balance between the public sector and the private sector; and

''(ii) in the case of a Federal mandate that is a Federal intergovernmental mandate, the extent to which limiting or eliminating the Federal intergovernmental mandate or Federal payment of direct costs of the Federal intergovernmental mandate (if applicable) would affect the competitive balance between States, local governments, or tribal governments and the private sector.

H.R. 5

OFFERED BY: MS. PRYCE

AMENDMENT NO. 106: At the end of title II insert the following:

SEC. 206. ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE WITH REQUIREMENTS OF TITLE.

Not later than one year after the effective date of title III and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, written statements detailing the compliance with the requirements of sections 201 and 202 by each agency during the period reported on.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 107: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 108: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) establishes a minimum labor standard, including any prohibition of child labor, establishment of a minimum wage, or establishment of minimum standards for occupational safety.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 109: Insert the following new paragraphs at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

''(5) CONSIDERATION OF COST SAVINGS FROM FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care cost savings. Such statement shall include a quantitative assessment of such cost savings to the extent practicable.

''(6) CONSIDERATION OF BENEFITS OF FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, and the environment. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

H.R. 5

OFFERED BY: MR. SANDERS

AMENDMENT NO. 110: Insert the following new paragraph at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

''(5) CONSIDERATION OF COST SAVINGS FROM FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the Director shall prepare and submit to the committee a statement describing the cost savings that would accrue to the private and public sectors from such Federal mandate, including long and short term health care cost savings. Such statement shall include a quantitative assessment of such cost savings to the extent practicable.

H.R. 5

Offered By: Mr. Schiff

AMENDMENT NO. 111: Amend title I to read as follows:

TITLE I—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 101. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(A) IN GENERAL.—The Advisory Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal Government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Advisory Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Advisory Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Advisory Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Advisory Commission determines will aid the Advisory Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Advisory Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Advisory Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Advisory Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Advisory Commission shall submit to the Congress, including the committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Advisory Commission under this section.

SEC. 102. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—The Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its duties under this title.

(d) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate Government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 103. DEFINITION.

In this title:

(1) ADVISORY COMMISSION.—The term ''Advisory Commission'' means the Advisory Commission on Intergovernmental Relations.

(2) FEDERAL MANDATE.—The term ''Federal mandate'' means any provision in statute or regulation that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 112: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 113: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to air pollution abatement or control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 114: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement or control of hazardous air pollutants.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 115: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to air pollution abatement or control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 116: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 117: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 118: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to attaining and maintaining national ambient air quality standards.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to attaining and maintaining national ambient air quality standards.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 119: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 120: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 121: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to atmospheric acid deposition control.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to atmospheric acid deposition control.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 122: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 123: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 124: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to abatement or control of motor vehicle emissions.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to abatement or control of motor vehicle emissions.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 125: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 126: the proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 127: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to the abatement and control of emissions from stationary sources of air pollution.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 128: Section 4 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 129: The proposed section 422 of the Congressional Budget Act of 1974 is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; or'' and by adding after paragraph (7) the following new paragraph:

''(8) pertains to the abatement or control of hazardous air pollutants.

H.R. 5

OFFERED BY: MR. SPRATT

AMENDMENT NO. 130: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) regulates the generation, transportation, storage, or disposal of toxic, hazardous, or radio-active substances.

H.R. 5

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 131: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) provides for protection of public health through effluent limitations (as that term is defined in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

H.R. 5

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 132: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) provides for protection of public health through effluent limitations (as that term is defined in section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)).

H.R. 5

OFFERED BY: MR. TOWNS

AMENDMENT NO. 133: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

''(8) regulates the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

H.R. 5

OFFERED BY: MR. TOWNS

AMENDMENT NO. 134: In section 301, in the proposed section 422 of the Congressional Budget Act of 1974, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and after paragraph (7) add the following new paragraph:

(8) regulates the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

H.R. 5

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 135: In section 103(a), after ''elected officials'' insert ''and officials representing working men and women''.

H.R. 5

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 136: In section 202(a), after ''productive jobs,'' insert ''worker benefits and pensions,''.

H.R. 5

OFFERED BY: MR. VENTO

AMENDMENT NO. 137: In section 4, strike ''or'' after the semicolon at the end of paragraph (6), strike the period at the end of paragraph (7) and insert ''; or'', and at the end add the following new paragraph:

(8) applies to life threatening public health and safety matters.

H.R. 5

OFFERED BY: MR. VENTO

AMENDMENT NO. 138: In section 301(2), in the matter proposed to be added as a new section 424(a)(1) to the Congressional Budget Act of 1974, at the end add the following new subparagraph:

''(C) The estimate required by subparagraph (A) shall include a cost-benefit analysis comparing the direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution with the social costs (such as environmental or public health costs) of not implementing such mandates.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 139: At the end of paragraph (6) of section 4 strike ''or'', at the end of paragraph (7) strike the period and insert

''; or'', and add after paragraph (7) the following:

(8) establishes or enforces standards for protecting or enhancing human health, welfare, or the environment that apply to State, local, and tribal governments in the same manner as such standards apply to the private sector.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 140: Amend section 201(b) to—

(1) strike ''AND TRIBAL GOVERNMENT'' in the subsection heading and insert ''TRIBAL GOVERNMENT, AND CONCERNED CITIZENS'', and

(2) strike ''and tribal governments'' and insert ''tribal governments, and concerned citizens''.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 141: Add at the end of title II the following:

SEC. 206. JUDICIAL REVIEW.

(a) AVOIDING BURDENSOME LITIGATION.—Any statement or report prepared under this title, any compliance or noncompliance with this title, and any determination concerning the applicability of the provisions of this title shall not be subject to judicial review.

(b) AGENCY COMPLIANCE.—The Advisory Commission On Intergovernmental Relations shall evaluate agency compliance with this title. Within 2 years of the date of the enactment of this Act, the Commission shall submit to the committees of the House of Representatives and the Senate with jurisdiction its report on such compliance together with any recommendations for enhancing compliance.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 142: In the proposed section 421(a)(4)(ii) of the Congressional Budget Act of 1974 insert ''or the amount of appropriations'' after ''appropriations''.

In the heading for the proposed section 424(a) of the Congressional Budget Act of 1974, strike ''OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS''.

In paragraphs (1) and (2) of the proposed section 424(a) of the Congressional Budget Act of 1974, strike ''of authorization''.

In the proposed section 425(b) of the Congressional Budget Act of 1974, insert ''(2)'' after ''(a)''.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 143: In the proposed section 421(4) of the Congressional Budget Act of 1974, add the following new sentence at the end of the section:

Clause (i)(I) of subparagraph (B) shall not apply to provisions that are designed to protect the health or safety of individuals receiving benefits under the Federal program.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 144: In the proposed section 421(4) of the Congressional Budget Act of 1974, add the following new sentence at the end of the section:

Clause (i)(I) of subparagraph (B) shall not apply to provisions that are designed to prevent fraud or abuse or to increase fiscal accountability of the program administered by the States, local governments, or tribal governments receiving assistance.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 145 Insert the following new paragraph at the end of the proposed section 424(a) of the Congressional Budget Act of 1974:

''(5) CONSIDERATION OF BENEFITS OF FEDERAL MANDATES.—For each bill or joint resolution of a public character reported by any committee that establishes, modifies, or repeals a Federal mandate, the director shall prepare and submit to the committee a statement describing the benefits of such Federal mandate, including benefits to human health, welfare, and the environment. Such statement shall include a quantitative assessment of such benefits to the extent practicable.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 146: Add the following at the end of the proposed section 424(a)(1) of the Congressional Budget Act of 1974:

''(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

Add the following at the end of the proposed section 424(a) of the Congressional Budget Act.

''(5) CONFIDENCE OF DIRECTOR.—In the statement the Director is required to submit to a committee, the Director shall include a statement of the confidence the Director has in the reliability of the cost estimates included in the statement.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 147: Add at the end of the proposed section 424(a) of the Congressional Budget Act of 1974 the following:

''(5) In the statement that the Director is required to submit to a committee of the Congress, the Director shall include an analysis of the potential that full Federal funding of any Federal intergovernmental mandate will lead to wasteful State, local, or tribal government spending or investment of such funding and recommendations for preventing any such wasteful spending or investment.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 148: In section 4(2) insert ''familial status,'' after ''race,''.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 149: In section 422(2) of the Congressional Budget Act of 1974, insert ''familial status,'' after ''race,''.

H.R. 5

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 150: In section 422 of the Congressional Budget Act of 1974, strike ''or'' at the end of paragraph (6), strike the period and insert ''; or'' at the end of paragraph (7), and add after paragraph (7) the following:

''(8) establishes or enforces standards for protecting or enhancing human health, welfare, or the environment that apply to State, local, and tribal governments in the same manner as such standards apply to the private sector.

H.J. RES. 1

OFFERED BY: MR. ALLARD

AMENDMENT NO. 6: Strike all after the enacting clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Except as provided by this Article, beginning with the fiscal year 1997 or for the first fiscal year beginning after ratification, whichever is later, the President shall submit a budget of revenues and outlays to Congress, and Congress shall adopt a budget that reduces the deficit existing the year prior to ratification of this Article by not less than 16.7 percent per year in order to balance the budget within 6 fiscal years.

''SECTION 2. Except as provided by this Article, beginning with the 7th year beginning after ratification and for every year thereafter, budgeted outlays shall not exceed budgeted revenues.

''SECTION 3. Beginning with the 7th year after ratification, the actual revenues shall exceed actual outlays in order to provide for the reduction of the gross Federal debt which is outstanding at the end of the 6th year after ratification.

''The amount of such reduction will be equal to the amount required to amortize the debt over the next 24 years, in order to repay the entire debt by the end of the 30th year after ratification.

''SECTION 4. Congress may waive the provisions of this Article (except for section 5) for any fiscal year in which a declaration of war is in effect.

''SECTION 5. No bill to increase revenues shall become law unless approved by a majority of the total membership of each House of Congress by a roll call vote.

''SECTION 6. Congress shall review actual revenues on a quarterly basis and adjust appropriations to assure compliance with this Article.

''SECTION 7. For purposes of this Article, revenues shall include all revenues of the United States excluding borrowing and outlays shall include all outlays of the United States excluding repayment of debt principal.''.

H.J. RES. 1

OFFERED BY: MR. FRANKS OF NEW JERSEY

AMENDMENT NO. 7: Strike all after the enacting clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

''SECTION 2. Actual outlays shall include the cost to a State of any requirement imposed by Federal law upon a State that is not paid for by the Federal Government, and the cost to a State of complying with any condition imposed by Federal law on the receipt by a State of appropriated funds other than a condition directly and substantially related to the purpose of the appropriation. For the purposes of this section, Federal law does not include an obligation imposed by this Constitution or a law intended to enforce that obligation, nor does it include any

law enacted before Congress submits this Article to the States.

''SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

''SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

''SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

''SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

''SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H. J. RES. 1

OFFERED BY: MR. HOKE

AMENDMENT NO. 8: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Congress may not increase the limit on the debt of the United States held by the public without the approval of three-fifths of the whole number of each House of Congress.

''SECTION 2. No bill to increase tax revenue shall become law unless approved by three-fifths of the whole number of each House of Congress.

''SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 4. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 5. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H. J. RES. 1

OFFERED BY: MR. HOKE

AMENDMENT NO. 9: Strike sections 1, 3, 5, and 7 (and redesignate accordingly).

H.J. RES. 1

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 10: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Prior to each fiscal year, Congress shall, by law, adapt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

''SECTION 2. No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

''SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

''SECTION 6. The amount of Federal public debt as of the first day of the second fiscal year beginning after the ratification of this Article shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

''SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

''SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 9. This Article (except section 2) shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.

''SECTION 10. Section 2 shall take effect upon the date of ratification of this Article and shall be in effect only until the close of fiscal year 2004 or for the fourth fiscal year beginning after its ratification, whichever is later.''.

H. J. RES. 1

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 11: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

''SECTION 2. No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 3. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

''SECTION 4. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SECTION 5. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

''SECTION 6. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 7. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 8. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

''SECTION 9. This Article (except section 2) shall take effect for the fiscal year 2002 or for the second fiscal year beginning after is ratification, whichever is later.

''SECTION 10. Section 2 shall take effect upon the date of ratification of this Article and shall be in effect only until the close of fiscal year 2004 or for the fourth fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. OBEY

AMENDMENT NO. 12: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Total outlays of the United States for any fiscal year shall not exceed total receipts to the United States for that year.

''SECTION 2. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a

majority of the whole number of each House of Congress, that becomes law. If real economic growth has been or will be negative for two consecutive quarters, Congress may by law, passed by a majority of the whole number of each House of Congress, waive this article for the current and next fiscal year.

''SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays shall not exceed total receipts.

''SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as receipts or outlays for purposes of this article.

''SECTION 5. Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

''SECTION 6. This section and section 5 of this article shall take effect upon ratification. All other sections of this article shall take effect beginning in the fiscal year 2002 or the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 13: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

''SECTION 2. For any fiscal year for which this Article is in effect, receipts and outlays for any trust fund of the United States shall be subject to the provisions of this article in the same manner as total receipts and total outlays of the United States (except that if a trust fund has an accumulated surplus from prior years, then that surplus may be counted as a receipt for purposes of the statement required by section 1 for the fiscal year to which the statement applies), including the requirement of section 3 insofar as it affects any trust fund.

''SECTION 3. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 4. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

''SECTION 5. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 6. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

''SECTION 7. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

''SECTION 8. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

''SECTION 9. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 10. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 14: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Congress shall provide that total operating expenditures of the United States Government for any fiscal year shall not exceed total operating receipts, except in a fiscal year for which Congress shall have determined that a condition of national security emergency or national economic emergency exists.

''SECTION 2. Not later than eight months prior to the start of a fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for such fiscal year in which total operating expenditures do not exceed total receipts.

''SECTION 3. Congress shall have the power to enforce and implement this article by appropriate legislation.

''SECTION 4. Section 3 of this article shall take effect upon ratification. Other sections of this article shall take effect with respect to fiscal year 2002 or the third fiscal year beginning after ratification, whichever is later.

H.J. RES. 1

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 15: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Except as provided in this article, total outlays of the United States Government shall be limited as follows:

''(1) Total outlays in any fiscal year shall not increase by a percentage greater than the percentage increase in nominal gross domestic product in the last calendar year ending prior to the beginning of such fiscal year.

''(2) Total outlays in any fiscal year shall not exceed the ratio of the outlays in the fiscal year at the time of submission of this proposed amendment to the States to gross domestic product in the last calendar year ending prior to the fiscal year at the time of submission to the States, times gross domestic product in the last calendar year ending prior to the fiscal year for which this limitation is being calculated.

''(3) If inflation for the last calendar year ending prior to the beginning of any fiscal year is more than 3 percent, the permissible percentage increase in total outlays for that fiscal year shall be reduced by one-fourth of the excess of inflation over 3 percent.

''SECTION 2. Total receipts shall include all receipts of the United States except those derived from borrowing, and total outlays shall include all outlays of the United States, both on-budget and off-budget, except those for the repayment of debt principal. Inflation shall be measured by the difference between the percentage increase in nominal gross domestic product and the percentage increase in real gross domestic product. Total outlays shall include the cost to any State or local government of engaging in any activity or service mandated by any law of the United States beyond that required by existing law or this Constitution at the time of the submission of this proposed amendment to the States, unless an appropriation is made and disbursed to pay that State or local government for such cost.

''SECTION 3. When, for any fiscal year, total receipts received by the United States exceed total outlays, the surplus shall be used to reduce the public debt of the United States until such debt is eliminated.

''SECTION 4. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this article.

''SECTION 5. Following the declaration of an emergency by the President, Congress may authorize, by a two-thirds vote of both Houses, a specified amount of emergency outlays in excess of the limit for the current fiscal year.

''SECTION 6. For each of the first 4 fiscal years after ratification of this article, total grants to States and local governments shall not be a smaller fraction of total outlays than the average of the 3 fiscal years prior to the ratification of this article.

''SECTION 7. This article may be enforced by one or more Members of the Congress, or by the President, in an action brought in the United States District Court for the District of Columbia, and by no other persons. The action shall name as defendant the Treasurer of the United States, who shall have authority over outlays by any unit or agency of the Government of the United States when required by a court order enforcing the provisions of this article. The order of the court shall not specify the particular outlays to be made or reduced. Changes in outlays necessary to comply with the order of the court shall be made no later than the end of the first full fiscal year following the court order.''.

H.J. RES. 1

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 16. Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven

years after the date of its submission for ratification:

''ARTICLE—

''SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

''SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

''SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total outlays shall include the cost to any State or local government of engaging in any activity or service mandated by any law of the United States beyond that required by existing law or this Constitution at the time of the submission of this proposed amendment to the States, unless an appropriation is made and disbursed to pay that State or local government for such cost.

''SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

''SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

''SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. STUPAK OF MICHIGAN

AMENDMENT NO. 17: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

''SECTION 2. Prior to each fiscal year, the President shall transmit to Congress a proposal statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

''SECTION 3. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 4. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal. Total receipts shall not include receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds, and total outlays shall not include outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor funds.

''SECTION 5. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

''SECTION 6. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

''SECTION 7. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 8. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. THORNTON

AMENDMENT NO. 18: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Total outlays of the operating fund of the United States for any fiscal year shall not exceed total receipts to those funds for that fiscal year plus any operating fund balances carried over from previous fiscal years.

''SECTION 2. The Congress may waive the provisions of this article for any fiscal year by a declaration of national urgency by the President that is approved by a majority vote of both Houses of the Congress.

''SECTION 3. Not later than the first Monday in February in each calendar year, the President shall transmit to the Congress a proposed budget for the United States Government for the fiscal year beginning in that calendar year in which the total outlays of the operating fund of the United States for that fiscal year shall not exceed total receipts to those funds for that fiscal year.

''SECTION 4. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for repayment of debt principal and for capital and developmental investments that provide demonstrable long-term economic returns but shall include an annual debt servicing charge. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund together with outlays for benefits earned by veterans of military service shall not be counted as receipts or outlays for purposes of this article.

''SECTION 5. This article shall be implemented and enforced only in accordance with appropriate legislation enacted by Congress, which may rely on estimates of outlays and receipts.

''SECTION 6. This section and section 5 of this article shall take effect upon ratification. All other sections of this article shall take effect beginning with fiscal year 2001 or the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MS. WATERS

AMENDMENT NO. 19: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

''SECTION 2. No bill to increase tax revenue or that would have the effect of increasing receipts (including attributable interest) of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, or any successor funds, or outlays for disbursements of the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund, or any successor funds shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.''.

''SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

''SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared

by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

''SECTION 6. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

''SECTION 7. All votes taken by the House of Representatives or the Senate under this Article shall be rollcall votes.

''SECTION 8. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 9. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MS. WATERS

AMENDMENT NO. 20: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Prior to each fiscal year, Congress shall, by law, adopt a statement of receipts and outlays for such fiscal year in which total outlays are not greater than total receipts. Congress may, by law, amend that statement provided revised outlays are not greater than revised receipts. Congress may provide in that statement for a specific excess of outlays over receipts by a vote directed solely to that subject in which three-fifths of the whole number of each House agree to such excess. Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

''SECTION 2. No bill to increase tax revenue shall become law unless approved by a three-fifths majority of the whole number of each House of Congress.

''SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for such fiscal year consistent with the provisions of this Article.

''SECTION 4. Congress may waive the provisions of this Article for any fiscal year in which a declaration of war is in effect. The provisions of this Article may be waived for any fiscal year in which the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

''SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for the repayment of debt principal.

''SECTION 6. Total receipts of the operating funds shall exclude those derived from net borrowing. Total outlays of the operating funds of the United States shall exclude those for the repayment of debt principal and for capital investments in criminal justice, personal security, and fire prevention, but shall include an annual debt servicing charge.

''SECTION 7. The amount of the debt of the United States held by the public as of the date this Article takes effect shall become a permanent limit on such debt and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a bill approving such increase and such bill has become law.

''SECTION 8. All votes taken by the House of Representatives or the Senate under this Article shall be roll-call votes.

''SECTION 9. Congress shall enforce and implement this Article by appropriate legislation.

''SECTION 10. This Article shall take effect for the fiscal year 2002 or for the second fiscal year beginning after its ratification, whichever is later.''.

H.J. RES. 1

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 21: Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal. Total receipts shall include all receipts of the United States Government except those derived from borrowing.

''SECTION 2. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

''SECTION 3. Congress may waive the provisions of this article for any fiscal year by majority of the whole number of each House by a recorded vote.

''SECTION 4. Congress shall have power to enforce this article by appropriate legislation.

''SECTION 5. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.''.

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Senate

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Senate will now be opened by a prayer from our guest chaplain, the Reverend Mark Dever, pastor of the Capitol Hill Baptist Church.

PRAYER

The guest chaplain, the Reverend Mark E. Dever, offered the following prayer:

Let us pray:

King of Glory, Divine Majesty, we praise You for being the God You are, the God of justice, of goodness, of all power.

We praise You for the way we see Your power displayed in the weakness of Jesus, Your goodness in His life, Your justice in the cross.

We confess, Lord, that we too often are confused in the rush of events and deadlines. We too easily make mistakes. We mistake Your acceptance for kindness, bare approval for love, simple popularity for rightness.

Leave us not to our own devices. You know the many and great dangers this Nation faces, and that by reason of the frailty of our nature we cannot always stand upright.

Give each Member of this body today a concern for the fairness in the way business is done, a care for those in our society who are helpless, an ability to act in service.

Replace confusion during discussions with clarity. Cherish the good thoughts and motives of those gathered here, cherish them into deeds great and small.

To those gathered here for Your work, commit to them a childlike joy at the honor of trust which has been placed in them, a true peace, knowing that You care for them and this country, and a keen sense of their accountability to You. Give them patience in the process, faithfulness in their duties, and amidst such apparent power surprising gentleness with their colleagues, their staff, and their families.

Use this Chamber in the deliberations to show Your goodness. For Jesus', our dear Redeemer's sake we ask it. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, Mr. COHEN is now recognized to speak for up to 10 minutes.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN and Mr. DORGAN pertaining to the introduction of S. 245 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. INHOFE). The Senator from North Dakota [Mr. DORGAN], is recognized to speak for up to 15 minutes.

INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, I wanted to just touch briefly on three items this morning. I want to talk about some trade negotiations that begin today in Beijing, China. Unfortunately, it tends to glaze over the eyes of many people once you start talking about international trade.

But I will talk about trade because on the car radio this morning I heard that the trade figures released this morning show that our trade deficit for November is now close to $10.5 billion, up 4 percent, and we are undoubtedly going to set another record trade deficit in the history of this country—the largest single trade deficit in the history of this country. It is a crisis, but you do not hear anybody around here gnashing their teeth about it. We talk about the budget deficit, which is also a very serious problem, but the trade deficit that we have with other countries must be ultimately repaid by a lower standard of living in this country.

I want to talk about our trade deficit just for a moment because in my judgment it is out of control. It represents a bipartisan failure, Republicans and Democrats, jointly hugging a strategy on trade that is fundamentally hurting this country.

Today, negotiators from the United States are in Beijing, China, and will begin negotiations with the Chinese. Our trade problem is a serious problem that extends in many directions, the most interesting of which, and serious of which, are with Japan and China. Japan's trade surplus with this country will exceed $60 billion again this year. China's trade surplus with the United States—or our deficit with them—will come very close to $30 billion.

I want to show the Senate a piece of information that I think demonstrates why our trade policies result from a bankrupt strategy. At a time when China is ratcheting up this enormous surplus with us—in other words a deficit that we have with them—shipping us boatloads and planeloads of Chinese goods, flooding our market with Chinese goods, they also need things that we have. Among other things, they need wheat. They had a short wheat crop this past year and so they must

import a lot of it this year—about 11 million tons, the Department of Agriculture expects.

Where are they buying their wheat? From us because they are flooding our markets with their goods and running up this trade surplus? Oh, no, not mostly from the United States. They are off price shopping for wheat in Canada and Argentina.

I want to show a graph that demonstrates the absurdity of what is going on. This line represents our trade deficit with China. You can see what has happened there—straight up. Straight up. And this line demonstrates the United States share of Chinese wheat purchases. You can see what has happened there—down.

As our trade deficit with China goes up because they flood our market with Chinese goods, they are off shopping elsewhere for wheat in Canada and Argentina.

I come from a very small town. In my town, there is an obligation. If someone comes and buys from your business, and then you need something that they have, you have an obligation to go buy from them. That is the way it works.

But that is not the way it works in international trade, unfortunately. It is a case of Uncle Sucker saying, ''Our market is wide open. Do what you want. You have no reciprocal obligation to our producers who want to sell in your market. You can go buy the things you need elsewhere and you can still access the American market.'' Something is fundamentally haywire in this trade strategy. It is hurting this country badly and it must stop.

I have written to Agriculture Secretary-designate Glickman and Trade Ambassador Kantor today, saying when these negotiators are in Beijing they ought to tell the Chinese they have reciprocal obligations in our marketplace. They need wheat? Then they buy wheat from us. If they need what we produce in dozens of areas, they buy from us. They have an obligation. Either we, with our trading partners, are going to work toward balanced trade relationships or we are not. If they are not willing then we ought to change the trade strategy we employ with those trading partners—and we ought to do it soon.

MEXICO'S MONETARY CRISIS

Let me make two other points. One, about the issue of the bailout for Mexico. I have not spoken publicly about it, but I have grave reservations about it. And I want to tell you why. Not that I am unconcerned about Mexico. It is our neighbor. It faces a financial crisis and we must respond in some manner.

But it in some ways relates to what I just spoke about in our trade relationship with China, Japan, and others. That is, trade and business relationships among nations should be reciprocal: There should be a sharing of economic responsibilities among nations who trade and do business with each other. I am wondering if that kind of shared responsbility is happening among nations who do business with Mexico.

What is the current account balance deficit in Mexico? Mexico has had to float bonds in order to underwrite a current account deficit. What does the current account balance deficit in Mexico result from? Largely from a trade deficit. Who is the trade deficit with? Us? Oh, no. No, very little of it is with the United States. Mostly with others.

I do not have all the information because I cannot get it. I have asked for it repeatedly from those in our Government who should provide it, and I am going to get it today, I guess, after some delay. But at least the sketchy information I do have suggests that a fair portion of Mexico's trade deficit comes from Japan and a fair portion of Mexico's trade deficit comes from Europe.

One would ask the question, then, if they issue public debt in Mexico to finance a current account balance, and that current account balance results from trade deficits, and if the trade deficits are deficits with Japan and Europe, should then the American taxpayer be the guarantor of a bailout of Mexico's trade relationship with Japan and Europe? Or is the new global order one in which there is a responsibility for other countries trading with Mexico, including Japan, including the Europeans, and others who have a trade relationship with Mexico, to own up to their responsibility?

Why is it only America's responsibility to come forward and protect Mexico in a monetary crisis? In my judgment this is a time to say to the countries that run a trade surplus with Mexico, or who have otherwise caused an outflow of money from Mexico, to step forward and say they will bear their share of responsibility.That is an issue which I think is very important.

I am greatly troubled by the call for a unilateral bailout of Mexico by the United States. I do not have all the information yet, but I intend to get it very soon. When I do, my hope is that we will be able to discuss this in the context of the obligations of others around the world. What are the obligations of the Japanese and the Europeans, and why are they not meeting them?

TOURS OF THE U.S. CAPITOL

Mr. DORGAN. Mr. President, a lot of ideas are floating around the Hill, some reform, some new, some nutty, and, in a new article I have here, an idea offered by someone from the Heritage Foundation. The foundation is the think tank which helped write the Contract With America. This fellow from the Heritage Foundation came to the Hill to testify and said he thinks we ought to charge the American people for touring the Capitol Building. He said they wear down the steps, they brush up against the walls, and apparently he thinks that we should charge the American people for touring the Capitol.

I would say that those who belong to a think tank who think this way should eliminate the word ''think'' and call it just a ''tank.'' Does anybody really believe it is too old fashioned to think that those who own a building ought not to have to pay an admission fee to tour it or enter it?

There are going to be a lot of things around here under the guise of new ideas or reform. A lot of them are going to be about half goofy, including this one.

I know people do not like to talk honestly about spending and taxing, so they come up with all kinds of other devices to avoid it. I guess to avoid talking about the need for revenue, they say let us talk about admission fees for the American people to the U.S. Capitol.

To those who come from think tanks who think this way, I say think again. Not many people who serve in the U.S. Congress would believe it appropriate to charge the American people an admission fee to enter and tour a building the American people themselves own.

Mr. President, with that, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH] is recognized for up to 5 minutes.

THE EARTHQUAKE IN JAPAN

Mr. ROTH. Mr. President, I would like to take just a moment to express my deep concern and condolences to Japan and the Japanese people over the tragic loss of life and property from Tuesday's devastating earthquake.

The death toll is estimated to exceed 3,100 with another 15,000 suffering injury, and over 600 people still unaccounted for. The earthquake has left over 200,000 Japanese people homeless.

I know my colleagues in the Senate and the House, as well as the American people, share a profound sense of sympathy for those who have lost loved ones or have been devastated by this disaster.

There is unanimous support for the steps the United States has taken to assist the people of the Kobe area, and our thoughts and prayers are with our friends across the Pacific who have acted so bravely in the face of this tragedy.

Mr. President, I have a second statement which I shall read.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH] is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 244 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] is recognized for up to 10 minutes.

Mr. GRASSLEY. Thank you, Mr. President.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 243 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

(The remarks of Mr. NUNN pertaining to the introduction of S. 244 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. NUNN. I thank the Chair.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I ask unanimous consent that I be permitted to speak in morning business.

The PRESIDING OFFICER. The Senator from Louisiana, Mr. BREAUX, is recognized to speak for up to 15 minutes.

Mr. BREAUX. I thank the Chair.

NATIONAL SERVICE PROGRAM

Mr. BREAUX. Mr. President and my colleagues, I remember when I was practicing law in Louisiana as a very young lawyer. One of the senior lawyers was explaining to me how we should proceed in a courtroom. His suggestion was,

> If you don't have the facts on your side when you are arguing your case, well, you should talk about the law. But if you do not have the law on your side and you are handling a case in court, you should talk about the facts.

He went on to suggest if you do not have either one on your side, you ought to just stand up and shout and walk around the courtroom and act like you know what you are talking about.

Mr. President, I would suggest that some of the Republican rhetoric that I have heard in talking about national service takes the approach if you do not have the facts on your side, just make them up and say whatever you want about a program in order to try to show that it is not a good program.

I think it is very important that we stick to the facts when we talk about programs and things we do in Government. I think the public gets so much misinformation that it is very important to try to point out when the facts are wrong when we talk about programs.

I start off by making these comments because I was really very surprised by the Senator from Iowa, who was on the floor earlier, his remarks regarding national service that I read in the CONGRESSIONAL RECORD.

I supported the program. It was the type of initiative that the President ran on 2 years ago, the type of program that I think is a good program. When I read the gentleman's statements in the CONGRESSIONAL RECORD, I was flabbergasted. I said, This cannot be true.

In essence, what the Senator was saying was that the AmeriCorps Program, part of the National Service Program, was costing $70,000 per student—$70,000 per student—in order to help kids go to college. I said that is ridiculous; I am not going to spend $70,000 a year to send kids to college. I found out some serious mistakes, in my opinion, were made about characterizing this program that is costing $70,000 a student in Pennsylvania, in the city of Philadelphia.

What I found out was that the mistake that was made in using these facts was the fact that they did not take into consideration private law firms that were contributing to this individual's salary; they did not take into consideration the Philadelphia Bar Association's contribution in this particular area. When he added up what the private sector was going to do with up to 11 full-time workers, he came up with the figure of $70,000, when in truth the Federal Government's contribution and the cost to the taxpayers was only $4,911. That is a big difference from $70,000.

The AmeriCorps Program, the National Service Program, is really what I think Republicans have always been talking about. Let us get away from giveaway programs. Let Members terminate programs, and just give money away from Washington to get people to do certain things. The essence of what AmeriCorps is all about—and we have had up to 200,000 young men and women in this country volunteer to participate in the AmeriCorps Program. It is a wonderful concept. It builds on the Peace Corps Program.

By the way, Peace Corps Program volunteers get a stipend; they are paid. Just like the Vista Program has young men and women in this program, that participate in the program and do wonderful things, they get a small salary, as well. The concept of AmeriCorps, and why I think Republicans and Democrats alike should be supportive of it, is because it is a partnership between the Government and the citizens of this country.

It talks about community, responsibility, reciprocity; it talks about saying if the Government is going to help me to go to college, I have an obligation to reciprocate and give something back. What they give back in the AmeriCorps Program is doing community work, doing legal work in the communities, working in a law enforcement program, in a drug rehabilitation program, in a nursing program, an environmental cleanup program, as they are doing in my State of Louisiana, as we are doing in Louisiana where we have young AmeriCorps students who are working in the sheriffs department and local law enforcement.

Mr. President, they are giving something back to a Government that has helped them go to college. It is a partnership. It is not a giveaway program. It does not cost $70,000 for one young student to be able to participate in this program. It is asking the local community to say, do you need these types of students working in your local town? Most of them are saying, Yes, we need some help. We need some help in the environment. We need some help in drug enforcement programs and drug rehabilitation programs.

So the AmeriCorps Program is not a giveaway program; it is a program that encourages young people to participate. We have an all-volunteer army. They get paid, too. They get a salary so they can survive and so they can live. I do not think they detract from an all-volunteer military. The basic fact is we should be encouraging young men and women to give something back to a Government that has helped them get an education.

As President Clinton has said so many times in this country today, what you earn is going to be based on what you learn. The facts are dramatic, that a young person, a young male in this country that graduates from a 4-year college earns about 83 percent more in his lifetime than a person who has not been able to go to college; 83 percent more in a lifetime. That is not just pie in the sky. That is real facts.

That is something that we as a nation should be encouraging. And we do not encourage it under national service by a giveaway program; we encourage it to be a partnership by saying to that young man or young woman that if you would like to go to college and you need some help, we will help you pay for your tuition. But it is not free; it is not free. You have an obligation to try to give something back to your Government—not in India, not in Japan, not in Europe, not in a Third-World country, but right here in America. That is why it is called AmeriCorps. It is not a foreign aid program. We are not sending kids to other nations to help them solve their problems. We are saying that if you accept this challenge, we will let you work in your local community, back where people know you, where you may ultimately end up working as a citizen in a partnership with your local citizens in your local community.

That is why when someone says, well, this program costs $70,000 a student, it is absolutely not factual. It does not cost $70,000 for the taxpayers of this

country. What we have in Philadelphia in this instance is a situation where the local bar association and several law firms in the country have helped put up money to pay the salaries for up to 11 AmeriCorps students who will be working in that community as lawyers and as law students, helping people that have problems, helping people understand the Government and this system. The Federal Government is going to put out $4,900 to allow that student to work in that community. We have helped them get a college education and they are paying back with their services, and getting enough of a stipend from the Federal Government to at least survive and to be able to continue that work and do it full time. We are talking about full-time workers.

This is not a giveaway program. Does it cost anything? Of course, it costs. But how much does it cost to build a prison? We spend $300 million for a national program to try to get people to have a partnership with their Government, to get a college education, and give something back to the community. We spend billions of dollars, I suggest, building prisons in this country and running prisons in this country, to incarcerate young men and women who have gone by the wayside, maybe because they did not have a National Service Program, because nobody cared. Nobody told them they have a reciprocal obligation to give something back to a Government that has helped them get a college education.

I have heard Speaker GINGRICH in the other body talk, time and time again, about communities, family, and service, and giving something back to the communities. This program is an example of giving something back to the communities, of national service, of saying: I want to help my Government do better. If my Government helps me get a college education, I am pleased, but I also recognize that it is not free. I will give back to my Government in the same ratio that they have given to me.

I think that produces a stronger community. I think that produces stronger families. I think that produces a sense of what America is all about. So I would suggest when we talk about national service, let Members first get our facts straight. Let Senators first understand the real cost.

I suggest, second, let Senators join together if there are problems, and let us improve the program. Let us not, by incorrect factual information, try to kill a program that I suggest is in keeping with what America is all about.

I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

BASE CLOSINGS

Mr. PRYOR. Mr. President, in less than 2 months the Secretary of Defense will forward to the 1995 Base Closure Commission his so-called ''hit list'' of military base closings. Although it is an excruciating exercise, I think we would all agree that closing obsolete military bases is a painful necessity.

With the end of the cold war, the Pentagon estimated that 30 percent of our domestic military bases must be shut down. Due in large part to the efforts of Senator SAM NUNN, of Georgia, and former Senator Alan Dixon, of Illinois, Congress created a bipartisan Base Closure Commission to help us make the necessary choices of which bases to close.

I believe the base closure process is sound. It serves as a model of how to make difficult and politically sensitive budget-cutting decisions. The Base Closure Commission successfully completed base closure rounds in 1988, 1991, and 1993.

As this chart to my left indicates, these three rounds of base closings eliminated some 70 military bases throughout America. Some areas and some States were hit harder than others.

On March 1, 1995, the Commission will begin its very important deliberations once again, and before the year is through, the Commission will seek congressional and Presidential approval to close dozens of additional bases. We have been told that this list will be longer and painful. In fact, it has been said that this base closure round will possibly be equal in size to the first three rounds combined.

To be certain, base closings hurt. In communities that lose a base, thousands of jobs are terminated, businesses close down, millions of dollars in annual revenue disappear from sight. Mr. President, I am personally aware of that pain caused by base closure announcements. The 1991 Commission closed Eaker Air Force Base, a B–52 base located in Mississippi County, AR. They also took away a majority of the work at Fort Chaffee near Fort Smith, AR.

Most of our colleagues in the Senate have witnessed the departure of the military in at least one community in their State. My colleagues from California lost eight major military bases in 1993 alone, as this map so indicates.

We have seen communities react with anger and frustration to the news of base closings. We have witnessed their fear about surviving such a tremendous economic blow. For most base closure towns, the military was the largest employer, as in the case of Eaker Air Force Base in Blytheville, AR.

Mr. President, I visited this base in 1992, 1 year after the closure announcement, to see how the local townspeople were coping with the impending loss of the Air Force.

What I found was a community that desperately wanted to beat swords into plowshares. I found also a community that was receiving virtually no help whatsoever from the Federal Government. In fact, this community claimed that Washington was their largest roadblock to a speedy recovery. The citizens of Blytheville needed the Air Force's cooperation and the Federal Government's resources. What they received instead was bureaucratic lip service and endless red tape.

The same was true in other communities across America. The problems were so severe that the former majority leader, Senator George Mitchell, decided to create a special task force to devise a strategy for easing the impact of defense budget reductions and for making a smooth transition to a post-cold war economy.

Senator Mitchell asked me to become the task force chairman. With 24 Democratic Senate colleagues, we began studying what the Federal Government's role should be, if any, to help in our Nation's ongoing transition from swords to plowshares.

Our 1992 task force concluded that the end of the cold war had caught our country by surprise, and that we were late in devising a national strategy for helping our cold war workers, communities and companies find a new direction.

We also found that the United States of America was better prepared to handle a much larger transition in the years following World War II. As early as 1943, 2 years before the war had ended, President Roosevelt made the decision to begin planning for the war's end and the difficult conversion to a peacetime economy. He had created the War Demobilization Office and charged this new entity with devising a national strategy. From this office emerged the GI bill and many other initiatives that helped our country grow and prosper in the years that followed.

In 1992, however, 3 years after the Iron Curtain began to crack, our Government still had no comprehensive strategy for beating swords into plowshares. History, Mr. President, should have taught us better. The lesson learned after World War II, and in other periods of defense downsizing, was that our Government has a duty to provide comprehensive transition assistance to those affected by reductions in our Nation's defense expenditures.

Some might say, Mr. President, that this is not the function nor the role of Government. I would submit, however, that our Government should become a partner in this endeavor and not an obstacle to economic recovery.

To compensate for our slow start and to finally allow our Government to become a partner instead of an obstacle, our 1992 task force recommended sizable increases in defense reinvestment funding and programs. That same year

a Republican task force, commissioned by then-minority leader Senator DOLE and chaired by former Senator Warren Rudman, drew similar conclusions.

This bipartisan agreement allowed Congress to quickly pass sweeping legislation to begin easing the pain of defense cutbacks and to help our cold war veterans beat swords into plowshares.

In the area of base closures, I am very pleased to report that success stories are just beginning to arise in many communities across our country. I would like to highlight a few.

At Chase Field in Beeville, TX, 1,500 jobs have now been created since the base closed in 1993. Pease Air Force Base in Portsmouth, NH, has created 1,000 new jobs since it closed in 1991. England Air Force Base in Alexandria, LA, has created over 600 new jobs due in large part to the J.B. Hunt Trucking Co.'s decision to use the old runways to train truck drivers.

I might add as a personal note, Mr. President, that the J.B. Hunt Trucking Co., proudly, is an Arkansas-based firm.

Each of these communities is learning that the loss of a military base can often bring opportunities for growth and renewed economic activity. They worked hard to achieve these results. They deserve tremendous credit.

In each of these cases, however, our defense reinvestment programs are helping these communities rebound. Congressionally approved funds for planning grants, worker retraining, environmental cleanup, infrastructure, aviation improvements, and other necessary measures are helping these towns prepare for their future and replace lost military jobs.

Without this assistance, base closure communities would not be able to rebound and find new work. But Congress and this administration provided the necessary support for our defense reinvestment programs. These are good investments, and they are just now beginning to bear fruit in base closure communities across our country.

The same can be said of our technology reinvestment programs that are focusing today on boosting American competitiveness in the private sector by integrating our military and civilian technology sectors. These programs are vital to our economic security, and as a result, are vital to our national security. They are certainly worthy of congressional support.

I am so deeply concerned by the recent statements by some of our colleagues in Congress who are suggesting these programs are pork, that they are a waste of money, and that they are in some way damaging our ability to fight and win future wars.

I truly hope, Mr. President, that our 11 new colleagues in the Senate do not share this view. I would like to caution my new colleagues, and the Senate as a whole, against turning a cold shoulder to the men, the women, the communities, and the companies that fought and won the cold war. We have only begun to see the results of our wise investments.

Mr. President, we are about to enter the base closing season once again. When the Commission submits its final list, workers and communities in our States will suddenly be thrown into economic downturn and in some cases economic despair. When this occurs, these defense reinvestment programs will not appear wasteful. Rather, they will be a helping hand to our communities' economic recovery efforts.

It is my sincere hope that this base closure round, with the pain and economic trauma that it is expected to bring, will once again underscore the importance of helping beat swords into plowshares.

Mr. President, last evening I had a visit with Senator SAM NUNN, the ranking member of the Senate Armed Services Committee. We have decided, Mr. President, to invite Defense Secretary Bill Perry to come to Capitol Hill shortly following the Clinton administration's budget submission to brief any and all interested Members of the Senate on the importance of funding these defense reinvestment programs. Secretary Perry strongly believes that these programs are worthy of our support, and I am proud to join with Senator NUNN in setting up this forum in which Secretary Perry can come forward and answer our questions about these particular programs and why they should be supported in Congress.

I encourage my colleagues, both Republicans and Democrats, to attend this particular briefing, the time and place of which will be announced soon.

Mr. President, I thank the Chair for recognizing me. I yield the floor. I see no other Senators on the floor; therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, parliamentary inquiry, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. BIDEN. Mr. President, it is my understanding—I ask unanimous consent I be able to proceed to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPORTUNITY, PROMISE, AND ''THE BELL CURVE''

Mr. BIDEN. Mr. President, during a too short ministry among us of Martin Luther King, Jr., he spoke very eloquently, with great insight and I believe with profound wisdom, on many aspects of American life. He taught us about the promise of equality and about the meaning of community and about the greatness of our human potential. But of all the many things that Dr. King taught us—and we just memorialized his birthday the beginning of this week—of all the things he taught us, one in particular has held much meaning for me, particularly in recent months. And that is the standard he set for human behavior and the qualities he identified as being the true measure of humanity.

Dr. King challenged us, in his words, to ''rise above the narrow confines of our individualistic concerns to the broader concerns of all humanity.''

He reminded us that one of the true standards of success is ''the quality of our service and relationship to humanity,'' not, as he put it, ''the index of our salaries or the size of our automobiles.'' Dr. King's standard for humankind, set by him, was a very high one. To take responsibility not only for ourselves but for others as well, to take our guide—more as our guide a moral and rich vision of ourselves and the community of man. In this way he challenged us to become the guardians of our most precious American legacy, and that is the promise that each of us deserves: an opportunity to fulfill our potential, whatever that potential may be.

And that is what I would like to speak to this morning, and about why I am concerned that this Nation, and some of our leadership, is turning away from that promise.

The richness of Martin Luther King's vision has long inspired many Americans but today I find I need, and I believe our country needs, his inspiration even more. For today we hear increasingly from those who speak of human potential, not with hope but with hopelessness; whose voices do not celebrate the strength of community, but echo the fear of diversity; and who would abandon the fundamental American principle of equal opportunity to the long discredited notions of superiority and inferiority.

Today we hear from those who confuse the lack of opportunity with the inability to achieve.

Let me say that again. I think today we are hearing from too many people who confuse the lack of opportunity a person has with the inability of that person to achieve.

Today, we have a new chorus of voices whose sense of community extends no further than those just like themselves and who dismiss the potential of others who are different from themselves. Today those voices are drawing support from a book called ''The Bell Curve,'' the new intellectual sophistry, engaged in, as it has been over the past two centuries in this country, to justify an agenda that is abhorrent, in my view, to American principles.

This book attempts to persuade us with the language of science to forget about hope, to forget opportunity, to forget the power of new challenges and the promise of an inspired mind; to forget, indeed, the very principles on

which this Nation was forged. ''The Bell Curve'' tells us that our genes guide us toward a life of fulfillment or condemn us to a life of emptiness, and that we can do nothing to change our destiny. This book, written by the conservative social critic Charles Murray, and the late Harvard psychologist, Richard Herrnstein, essentially asserts three propositions. And I acknowledge in the brevity of time I will not do full justice to the propositions.

The first of those propositions asserted is that intelligence can be captured by a single quantitative measure, expressed as an IQ score. That is the basic premise. That we can determine the intelligence of a person by an IQ score test.

Second, that intelligence is genetically based and effectively unchangeable.

And third, that intelligence, more than any other factor, determines job performance, dependency on welfare, rates of birth and illegitimacy, crime, and other social behavior.

They are the three basic assertions in this book, among others. In other words, these modern day Social Darwinists posit that differences in what various races achieve result from genetic makeup alone, not from environmental factors, and that they cannot be changed.

Think about the consequences for this country if we adopt that proposition.

So the authors argue society should stop trying to help anybody who is not a member of their so-called intellectual or cognitive elite—that is the phrase they use: the intellectual and cognitive elite.

The science of ''The Bell Curve,'' I believe, and I will at a later date speak to this, has been widely and convincingly attacked on many levels by other experts, intellectuals, psychologists, and psychiatrists. First, many scientists have pointed out that it is widely disputed whether there is such a thing as intelligence quotient, IQ, a single figure that can quantify intellectual capacity, let alone measure creativity or originality or other productive talents.

Second, critics of ''The Bell Curve,'' the scientific critics, have pointed to all of the existing evidence that IQ scores can be improved, that they are not fixed, that they are not immutable. I ask the parents who may be listening, go look at the IQ test your children took when they entered first grade or second grade. Then, if they have had a good education, look at the IQ test they take as they enter high school. You will find a difference. It is changeable as a consequence of opportunity and exposure and education.

Indeed, even ''The Bell Curve'' authors acknowledge that improved nutrition—improved nutrition, not education—raises IQ: Nutrition.

Finally, scientists have rebutted the notion that IQ scores are a predictive of a life of accomplishment. They have identified ''The Bell Curve'' psychometrics as the latest incarnation of the discredited pseudoscience of eugenics. Remember back in the 1920's? I remember studying this when I was in undergraduate school. There was a school that talked about whether or not—all you had to do was measure the circumference of the skull and you could determine whether or not someone had an intellectual capacity that was inferior or superior. While these so-called researchers measured the circumference of a skull in a similarly perverse effort to justify racial discrimination in the 1920's, we now have those who have a different way of doing the same thing. That is, just measure the IQ and you have a determinative of everything that is going to happen to that young child.

You young pages here, if we measure your IQ and you have a high IQ and cognitive ability—and I am sure you all do—then in fact you are marked for success. If you have an average IQ or lower IQ, you are in trouble according to the authors of ''The Bell Curve.''

But it seems to me that exposing the weakness of the authors' science, which I have not done fully and I will over a period of the next 6 months, while necessary, is not sufficient. It seems to me that Dr. King taught us that what is wrong with the conclusions of the authors of ''The Bell Curve'' goes far beyond the errors of their scholarship or the weakness of their science.

It seems to me that the basic premise of what we all celebrated in Dr. King's birthday this week is that Dr. King teaches us that the view of humanity purveyed by those who speak the language of ''The Bell Curve'' is bankrupt because they ignore the very characteristics that Dr. King knew mark the true measure of humanity.

The definition of human value was richer by far than mere IQ, or even of intelligence more broadly conceived and measured. Dr. King told us that:

> Everybody can be great. Because anybody can serve.
>
> You don't have to have a college degree to serve. You don't have to make your subject and your verb agree to serve. You don't have to know about Plato and Aristotle to serve.
>
> You don't have to know Einstein's theory of relativity to serve. You don't have to know the second theory of thermodynamics in physics to serve.
>
> You only need a heart full of grace. A soul generated by love.

Dr. King's words teach us to think more broadly of human achievement:

To think about those achievements that depend on generosity, on thoughtfulness, on sacrifice, on respect for others;

To think about those that depend on creativity and originality: the most inspired painting, the most soothing melody, the most piercing wit, the most graceful dance, the most insightful social commentary, the most unexpected athletic achievement.

In other words, we must be guided by the very things that make life most worth living, when we seek to measure human achievement.

Is not the acknowledged reality of achievement more important than the mere abstraction of I.Q., particularly when we recognize that statistical abstraction—by its very nature—lends itself all too readily to misconstruction in the service of narrow-minded mischief.

Of course, achievement built on talent, discipline and a sense of moral obligation can not be weighed and measured on an arithmetical scale.

Indeed, as each generation finds new ways to outperform the last, we learn how futile it is to place limits on human accomplishment, and how foolish we would be to forget that our potential is as great as our imagination.

In this way, Dr. King spoke to the first fallacy of ''The Bell Curve''—

> The notion that human intelligence, much less human worth, is so narrow and pinched as to mean only what can be measured by an I.Q. score.

Even more importantly, Dr. King warned us that ''intelligence is not enough''; rather, he said, we must strive for what he called ''intelligence plus character.''

Because, as he reminded us, ''the most dangerous criminal may be the man gifted with reason but with no morals.''

King saw that intelligence divorced from morality is worth little.

As an undergraduate at Morehouse College, he wrote that the segregationist former Georgia Governor, Eugene Talmadge,

> possessed one of the better minds of Georgia, or even America * * * he wore the Phi Beta Kappa key.
>
> By all measuring rods, Mr. Talmadge could think critically and intensively; yet he contended that I am an inferior being * * *.

''What did he use all that precious knowledge for?''—King asked. ''To accomplish what?''

''To accomplish what?''

Thus, Dr. King spoke to the second fallacy of ''The Bell Curve.''

> The notion that intelligence uninformed by morality can create a worthy woman or man.

Only an immoral person, no matter how intelligent, could ever think it acceptable to judge another on the basis of his or her membership in a group.

King taught us that no one has the right to say that another's fate should be—or can be—enslaved by the color of his or her skin, or by the nature of his or her religious beliefs, or by the origins of his or her ancestors, or by the wealth of his or her family.

Dr. King understood that there are real differences among individuals.

But for him, those differences reflected the richness of the human condition, they were an accepted part of the greater community of man—not a reason for division, and never an excuse for relegating whole groups of people to a permanent underclass.

He urged each of us, whatever our talents, to accept responsibility for

ourselves and to strive for excellence. He said:

> If it falls to your lot to be a street sweeper, sweep streets like Michelangelo painted pictures, like Shakespeare wrote poetry, like Beethoven composed music;
>
> Sweep streets so well that all the host of heaven and earth will have to pause and say, ''here lived a great street sweeper, who swept his job well.

Of course, he also know what artificial barriers could do to limit individual achievement.

He knew that the street sweeper was dealt his hand not solely by the configuration of his DNA, but was the product of a complex tangle of forces shaped by families, by communities, by social and economic systems—and by government.

Dr. King's great struggle, first for civil rights and later for economic justice, was itself a testament to his conviction that people of all races, colors, creeds, and religions deserve an equal chance to achieve their potential—an equal chance, a level playing field.

And so we come to the third fallacy of ''The Bell Curve'': that all people stand today on a level playing field, free to reach their potential, because implicit in the book and those who are espousing its principles is that there is already a level playing field.

The reality, of course, is that we have not yet achieved a society where all people enjoy equal opportunity.

Instead we remain a society where too many minds are stifled by poverty, paralyzed by violence, stunted by poor education, starved by poor nutrition, and diseased by unsanitary housing.

We need only look around us to see how much such deprivation costs us as a society, and we need only listen to Martin Luther King to understand that we can not—indeed, we must not—promise anyone an easy way out.

Dr. King never promised to make it easier on anyone—he sought equal opportunity for all people, but he knew it was up to each individual to seize the challenge.

By assuming personal responsibility, by preparing for the hard work opportunity demands, by striving for excellence in every endeavor, and by dedicating achievement always to moral ends.

Martin Luther King was by no means an easy taskmaster—but he challenged our society as a whole as much as he challenged each of us as individuals.

He knew—and this is the crux of his teaching—that personal responsibility and the drive for excellence can develop and succeed only in the context of equal opportunity.

Ask yourselves: if your personal achievement was limited or blocked by prejudice or by policy.

Would you push as hard as you could to get ahead? Would you be able even to imagine your potential achievement?

Maybe the people on this floor can answer yes to that question. But I ask it another way. How many of you know people you grew up with, if you did not grow up in affluent circumstances, who are still behind, the exception being a person who makes it here or its comparable place in our society when they come from limited means? Why are there so few? Is it because we are so special, or is it because the human condition is impacted upon and one's potential is impacted upon by what is expected of them and what they are exposed to?

When individuals are stereotyped by personal prejudice or by prejudicial statistics, bleak expectations become a sober reality. And the natural talents we all possess in some measure rarely blossom in the shadows of such a circumstance. Do not think for a moment that ''The Bell Curve'' is merely an idle academic debate. The authors do not hesitate to convert their conclusions into policy recommendations, and there are many today eager to act on that advice. Indeed, their recommendations sound all too familiar to anyone listening to the current debate on education, on aid to pregnant women and children, and on efforts to respond to job discrimination, among other issues.

In short, ''the authors of the Bell Curve'' view all programs designed to level the playing field as doomed to fail, because intelligence—or more precisely, i.q.—is the only thing that matters, and it can not be changed, according to them.

Government—or private organizations, for that matter—are simply incapable of making a difference and shouldn't even try.

Now, I believe that a number of Federal programs originally intended to level. The playing field are in need of reform.

For 22 years here, I have tried to get rid of some, voted against others, and am prepared to jettison still others that I thought had a chance but have shown not to work.

Some have had unintended, detrimental consequences; all would benefit by a sharp look at what is working and can be maintained or expanded, and at what is not working and should be jettisoned.

But that is beside the point to the authors of ''The Bell Curve,'' because their attack is aimed at the very concept that Government should try to ensure equal opportunity to all our citizens. The authors argue that we should end, not reform, but end such efforts by Government.

The authors say their recommendations are intended to prevent what they see as the inevitable end of the road we are on, a ''custodial'' state, something like a ''high-technology Indian reservation,'' where the permanent underclass is minimally fed and housed.

To their credit, the authors say they want to avoid this nightmare vision, but what they recommend is obviously insufficient on a practical level and entirely unacceptable on a moral one.

First, the authors suggest that we abandon our efforts to create the equality of condition among all people that our Founding Fathers believed was a self-evident human heritage.

Indeed, they suggest we return to ''an older intellectual tradition,'' unburdened by our historic American belief that ''all men are created equal.''

Instead of trying to ensure equal opportunity so that every person has a fair chance of success, they say we should simply focus on improving the fabric of family and community.

They suggest that we return a wide range of social functions to neighborhoods or municipalities, to improve our sense of community.

They propose that we should simplify Government regulations that make it more complicated for people to function—rules governing education, taxes, Government assistance, to name a few.

They recommend reforming the criminal justice system to make it simpler to know what is a criminal offense and what is the sanction for it.

And they suggest reemphasizing the unique legal status of marriage, as the only relationship with legal benefits, as well as legal obligations. I do not necessarily quarrel with these practical recommendations; it seems to me that some of them may well be worth pursuing.

What I do quarrel with—and vehemently so—is the idea that we, as a society, should give up what has been a bedrock principle of our Nation: that all men are created equal, and thereby abandon any idea that Government has a role in seeing that no one is denied an equal opportunity to life, liberty, and the pursuit of happiness.

Government cannot manipulate people's heredity, and it should not attempt to do so, but I believe a moral government can—and must—pursue policies that treat every person as a resource.

If low IQ's are the problem, why not try to raise them, through better nutrition, which the authors of ''The Bell Curve'' acknowledge does make a difference?

If the fabric of families is torn, why not focus on programs that enable them to mend themselves—

Programs that keep children from going hungry, that help young people get off and stay off drugs;

That keep the streets safe so local businesses can flourish and families can get to and from work and school;

Programs that help new factories open and train and retrain our workers for new jobs.

As we consider this challenge, we should remember what Martin Luther King never forgot—that opportunity is not a substitute for personal responsibility.

New ideas are being proposed that build on the twin pillars of opportunity and responsibility, and new programs are being tested in communities across

the Nation, such as housing and transportation programs that help minorities move out of ghettos and buy their own homes.

If the positive effects of Head Start fade out several years after children leave the program, why eliminate Head Start rather than improve the rest of the education system to extend its success?

If answers tried in the past have failed, it means we should try new answers, not give up on the problem. As a government—and as a society—our policies must have a moral dimension:

They must respect the value of each individual, and never dismiss anyone or any group of people as unworthy of a fair chance.

Shredding the social safety net will not avert a crisis; in my view, it only propels us ever faster toward crisis.

It will swell the divisions between rich and poor; it will lead to more racial animosity and ethnic hatred; it will sacrifice the dream—the very American dream of Martin Luther King, who foresaw a day when his four children would, in his words,

> Live in a nation where they will not be judged by the color of their skin, but by the content of their character.

He spoke of a ''beloved community,'' his vision of an America living in racial harmony, where individuals judge each other on individual merit and achievement; where values triumph over charts, graphs, and stereotypes; where all people are nourished and expected to succeed.

This is a vision of a moral society—the kind of society our forefathers saw as their bequest to the Nation—and it stands in stark contrast to the custodial state envisioned in ''The Bell Curve.''

Fulfilling Dr. King's vision of a beloved community, founded on both individual responsibility and equal opportunity—a community that rewards achievement and places barriers before no one—has always been and remains today the foremost challenge for American society.

Martin Luther King understood that better, perhaps, than any other American of this century, and we can offer him no greater memorial today—we can offer ourselves no greater assurance of maintaining our American heritage—than by rejecting both the arguments and the conclusions of ''The Bell Curve'' in favor of that ''beloved community'' for which Martin Luther King, Jr., lived and died.

Mr. ASHCROFT. Mr. President, I yield the distinguished Senator from Tennessee 7½ minutes of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

(The remarks of Mr. THOMPSON, Mr. ASHCROFT, and Mr. BOND, pertaining to the introduction of Senate Joint Resolution 21 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ORDER OF PROCEDURE

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed an opportunity to speak for up to 10 minutes that I was provided for in morning business, and that the time for resumption of consideration of S. 1 and the corresponding time for a vote on amendments that have been set down be moved up accordingly.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

WELCOME SENATOR ASHCROFT

Mr. LIEBERMAN. Thank you, Mr. President.

Mr. President, before our new colleague from Missouri leaves the floor I want to add my welcome. I do so with a personal sense of pride and pleasure because he and I were classmates together at college. It gives me great pride to see him join Members here.

The Chair will no doubt hold this revelation against the Senator from Missouri and me, but in any case, he was an honorable, decent, intelligent person when I knew him back more years than I will state for the record. I know he brings those talents with him here and beyond. As the senior Senator said, he is a person of extraordinary faith and comes here not only with great talent but with an appropriate spirit and a religious sense of humility. We could use that around here. I look forward to working with him in the years ahead.

Mr. President, I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of S. 246 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LIEBERMAN. I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID ''YES''

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that ''Reagan ran up the Federal debt'' or that ''Bush ran it up,'' bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. We'd better get busy correcting this because Congress has failed miserably to do it for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,806,933,452,098.25 as of the close of business Wednesday, January 10. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,247.20.

MARIO CUOMO AND COMMON SENSE

Mr. HOLLINGS. Mr. President, the wail and cry around Washington today is similar to what we heard 14 years ago when President Reagan came to town—get rid of the Government, downsize, the Government is the enemy. Today, like 14 years ago, the game to blame Government sounds good to many voters across the land. But look at the reality that has been inflicted on our country by 12 years of Republican rule—a deficit that is exploding and a debt that has more than quadrupled. The return of this feel-good kind of blaming in Washington is what Mario Cuomo related in his last official talk as Governor of New York. As he told reporters at the National Press Club on December 17, 1994, the game being played is ''deja voodoo'' and return to ''plastic populism.''

Government is not an evil that the Founding Fathers thrust upon the people. Government in its best form is a means to provide economic opportunity, create jobs, and rebuild our American standard of living. It is time for all of us to work together to rebuild America, instead of only harping, squawking, and howling at the Moon.

Mr. President, I urge my colleagues to read and study this talk by Governor Cuomo. He speaks commonsense truths that are rooted in reality. As he says, we need a cure for our problems not a simple reaffirmation of the disease. We have to fix what is broken, but not break what works. To that end, I ask unanimous consent that his talk be reported in its entirety in the CONGRESSIONAL RECORD.

There being no objection, the talk was ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. MARIO CUOMO AT THE NATIONAL PRESS CLUB, DECEMBER 16, 1994

Governor CUOMO. Thank you very much. Thank you very much. There are a lot of things I wanted to say immediately, just in quick response to Gil Klein's introduction. I—the truth about 1992 was that Klein, or somebody like him, just before that plane took off, over the wire came a story in which I was referred to as a consummate liberal. And that did it. I decided to stay behind in New York State. (Laughter.)

And I must say this—although I was going to say nothing at all, because I don't want to use the 25 minutes they gave me—there's a lot I do want to tell you. I did note with some interest that the two biggest laughs from this rather difficult looking groups were for the postmaster general and Dan Quayle. (Laughter.)

I am going to do something unusual now in this, what appears I think to be the last time I'll be able to speak as a public official, because nothing is going to happen over the next couple of weeks—and that didn't strike me until I sat down and started making some notes. But maybe especially because it is the last opportunity—there is a whole lot I want to get in. And because of that I'll stay close to my notes, closer than I usually do—and I'll rush a bit, if you don't mind, because

I want you to have time to do the questions and answers. You know by now that I was elected a private citizen—(laughter)—effective January 1st.

It wasn't my first choice. Abraham Lincoln's familiar line in a similar situation, which I think the President used the other day, comes to mind. He said he felt like a young boy who has just stubbed his toe; it hurt too much to laugh, but he was too old to cry. The temptation, you should know, is to whine, you know—(laughter)—at least a bit—Why not?—you served 12 years, you're entitled. And I caught myself doing that.

I began pointing out to people that even since the Republican landside on November 8th, it's been getting dark outside a little earlier every day. (Laughter.) You notice that? (Laughter. Applause.) The whining is not what we need. So let me talk to you about some of the things I learned on the way back to private life, and there's a lot. Let's talk just a bit about America and how together we can make her stronger and sweeter. Founded by the most optimistic people in history, in just 200 years, as we all know, would become the most dominant military and economic machine, and the greatest engine of opportunity that the world has ever seen.

But recently, say, within the last 15 years, we have made some terrible mistakes as well. We produced two devastating recessions that stripped from millions of our middle—class families the basic promise of the American dream, and even the simple security of steady work; mistakes that for millions more have produced lives of sheer desperation, dependence, and despair.

Government did not create all these all these problems, but government didn't solve them either. And the people know that. Many of them are frightened, resentful, even angry. The conservative Republicans measured that seething unhappiness with polls, then designed some painless home remedies which they strung together in a new political agenda that they call now the ''Contract With America.'' And tell us it will solve our problems. I don't think so.

Some of the agenda puts the spotlight on relevant issues—at least for the moment. But the truth is, the contract fails to deal substantially with the fundamental problems we face. It's not a plan—it's an echo of selected polls. It adds nothing to the opinion surveys. It makes absolutely no demand on our political leadership, other than that they set sail in whatever direction the political winds appear to be blowing at the moment.

It offers a kind of plastic populism, epitomized by its bold promise of a balanced budget that will bend—or probably break—when tested with the full weight of our real problems. We need something much sturdier. We need an agenda that deals with our real problems—all of them, especially the toughest ones—and proposes real, concrete solutions, even if they are politically inconvenient. The truth is—and I think we all know this, too: America is faced with a double-barreled challenge to our future. The most significant is an economy that is rewarding investors for sure, but at the same time threatening our workers.

You tell a $30,000-a-year factory worker in Georgia or California that this is a growing economy, this third-wave economy, and see what reaction you get. The second challenge is the frightening cultural corruption of drugs, degradation, violence, and children having children, that's deteriorating our cities, crippling much of our potential work force, and alienating many of us from one another. And it is cultural. It is a cultural problem.

But the conservative Republican contract deals only superficially with our economic challenge, and offers us little more than castigation and negativism with respect to our cultural weakness.

Now, Democrats should show America that we can do better. We should start by reaffirming our fundamental democratic principles, beginning with the confidence that this country can provide opportunity for everyone willing to earn it. And the first mistake would be to give up on that aspiration, to believe that somehow we are not as strong as we thought we were—we can't do it—take up the gangplank!—we can't afford them: That would be a mistake, an excuse if not a mistake, a cynical excuse for not making the tough decisions that will make it possible for us to realize what is obvious, enormous potential strength still unused.

Our strong suit as Democrats has always been our concern for the vast majority of Americans who must work for a living—that's where we come from. That means we are committed to creating good jobs in a strong free-enterprise system, and to making sure that every working family in this country can earn enough to live with a reasonable degree of security and comfort. We believe that as part of the Democratic bargain every American has responsibilities.

Everyone who can work should work, instead of expecting others to pay their way. Businesses that thrive should share the rewards with their workers fairly—business has a responsibility as well. And government should help create jobs, not discourage them; nor should it burden the rewards of work with unreasonable heavy taxes.

Now, we believe in law and order. I have built more prison cells than all of the governors in history of New York State before me put together. But we will insist on fairness, and privacy, and civil rights. We agree with Lincoln that we should have only the government we need. But we agree with Lincoln, as well, that we must have all the government we need. We must have all the government we need.

And so a balanced budget that fails to meet the basic needs of the struggling middle class or the desperate poor would be an emblem of failure. We believe in the common sense value of sticks, but we also believe in the common sense power of carrots. We believe that prevention is always a good idea, and almost always cheaper.

We'd rather preserve a family than build an orphanage. We believe that we're too good as a people to seek solutions by hurting the weakest among us—especially our children. And at our wisest—at our wisest, and it's not always true. It is probably not true at this moment. But at our wisest, we believe that we are all in this together, that Jeremiah was right, thousands of years ago, that we will find our own good in the good of the whole community.

Now, this is not the time or the place to give all the details of what we can and must do to deal with the challenges and opportunities, while living up to these principles. But we should reflect on enough of them, and I have the responsibility to give you at least enough of them so that you can see that the agenda offered by the Contract is obviously incomplete, and utterly inadequate to this moment in American history. Most of all, we need to generate more jobs.

We'll accept that—jobs that pay a living wage and make hope a possibility, and a global economy, where labor often costs less in other places in the world—and that's the key. This is a complex challenge. But the Republicans would have us believe that the solution is remarkably simple.

Now, do you know how hard it is? Taiwan and that part of the world, in China, Mexico—they can make things a lot cheaper than you can. That puts an enormous pressure on your manufacturing. How do the Republicans deal with this problem? That's why the $30,000 a year factory worker is scared to death. He knows it. He knows the investors are getting richer, and everybody is downsizing here, and the competition is enormous all over the world—a competition that I grew up without having to face.

Well, their proposal—the Republican proposal is right out of the permanent conservative Republican playbook. Cut the tax on capital gains, boost the defense budget, amend the Constitution to enforce a balanced budget. But let's not get bogged down in the awkward details about what we'd actually have to cut. Cut the taxes, boost the defense budget, and then provide a balanced budget. Does it sound familiar to you? Do you remember hearing that before? Cut your income, raise your expenses, and promise the bank that, this time, you're sure you can make ends meet. Does it sound familiar? It's nothing more than deja voodoo. (Laughter.)

In the early '80s—in the early '80s, the conservative Republicans promised huge tax cuts, a huge military, and a balanced budget—and we wound up, as we all know, with a deep recession and $4 trillion more in debt. Now, why is it different now? Why would it work any differently now? Has something changed? Has there been some kind of cosmic alteration? Only the language has changed.

In the '80s, they talked about the magic of supply side. Now, they have thought up a new way to count. It's called dynamic scoring. Do you know what dynamic scoring means? It means that, for every basket they put in the whole, they get ten points. That's dynamic scoring. And it would be wonderful if it were as easy as that—free up the wealth in the hands of the wealthy, and it will eventually take care of all of us. Now, this country tries that every so often. We tried it in the '80s—the early '80s.

But then the truth re-emerges. Life is more complicated and harder. It includes bothersome details, like a national deficit, leashed in by President Clinton, but ready to run wild at the least relaxation or provocation. Life includes popular entitlement programs that won't be around for our children at all, if we cannot bring ourselves to make intelligent, but different sacrifices now. Everybody in this room knows it. In every conversation in Washington or New York or the capitals of the country, where people know what they're talking about, they all say the same thing. ''You must do something about Social Security.'' We all know that. ''You must deal with Medicare.'' You can't deal with our deficit problem without doing something about Social Security and Medicare.

However, it's political poison, so we won't do it. But didn't you just tell me that, if we don't do something about it, we're in terrible trouble? Yes. And then you tell me that it's going to be very difficult to deal with it politically. Yes. And what do you prescribe then? Keep yourself alive politically, and let the country die. Am I exaggerating? Do you hear it differently? You write about it. You write about it glibly. Everybody comments on it—most of the time, snidely. But nobody changes it. Warren Rudman leaves. Paul Tsongas creates a group. Peter Peterson writes books.

Everybody is saying the same thing, and all the people who are bright, saying they're right, and admitting—at the same time—we do not have the will to change it. Why don't you at least say this to the American people. Why don't you say, ''Look, let's get this clear, because I have the obligation to tell the truth.'' Who knows? Maybe there is a heaven. Worse than that, maybe there's a hell. (Laughter.)

Maybe I'm going to be accountable. Maybe I'd better tell you the truth. So, I'm going to take a chance.

Ladies and gentlemen, all the tax cuts in the world won't wave you. They're popular, but we need a double bypass—and we're talking about giving you cosmetic surgery. And the reason we're doing that is, it's too tough to give you a bypass. We have to cut with a knife. That's very expensive. It's very costly. It's unpleasant for you. We have to do Social Security. We have to do Medicare. You have to apply a needs test of some kind. Everybody knows it.

Now, why, therefore, don't the Republicans tell you that? Well, because they're into popularity. Why don't we tell you that? Because we're into popularity, too. (Laughter.) But we're going to say this to you. As long as the Republicans are in power in the Congress, and as long as it's absolutely clear that they will have a Pavlovian response to whatever you tell them in the polls, start telling them in the polls that you've finally awakened. You know they have to do something about Social Security and Medicare. Please do Social Security and Medicare. They will write a new Contract with America, addendum to the Contract with America. We've seen the latest poll. It just came in over the Internet. Okay. You can have Social Security. (Laughter/Applause.)

There's another—there is another inconvenient truth, and that is that you have to make investments if you want to get returns. The Republicans especially should know that. And that means, if we want to be the high tech capital of the world—which you have to be, because if you're going to compete with cheap labor, how are you going to do it? You're going to have to make things with exquisite high tech capacity and superb productivity so that you can make things better and faster and different from the things that they can make—even with cheaper labor.

How else do you do it? The only other way is to expand a whole other thing beyond manufacturing, make exquisite improvements in services. We're doing that. We're the service capital of the world already—and we will stay that way for a long time, especially as long as New York stays strong, because you have banking, investment banking, and a lot of that there, publishing, et cetera. We're doing fine with services. On the manufacturing side, you can't do it without high tech. You have to do what we're doing in New York State—make a unique lens that we just sold to the Japanese. And when I complained to the University of Rochester about selling a unique lens to the Japanese, who are so good at replicating our products and getting—and producing something cheaper, they said, ''Don't worry about it. We're working on a second lens.'' (Laughter.)

Making a new mammography machine on Long Island through high tech—a mammography machine that solves the problem that the woman has with the old machine, where she has to press herself up against this plate, where there's constriction, discomfort, and a poor picture. This one inclines. Bennett X-ray. You incline and gravity does the work. And there's a full picture. And my daughter, the radiologist loves it. And the woman is pleased by it. And the physician who has to operate feels better about it because he has a better picture. And we sell it to the Germans that make surgical instruments. And when I say to Bennett X-ray, ''I created a center of high technology. Now you take this wonderful product. You send it to the Germans. How long before they replicate it?'' He says, ''Five months.'' I said, ''Well, what are we going to do about that?'' He said, ''Don't worry about it, Governor. We're working on digitalizing it. We're taking the digital engineers from Grumman who have gone down, because they're no longer making planes. They're coming here. They're working on our mammography machine.'' You have to stay one step ahead of them in high tech.

That's the way you became great the first time around. You used to make all the things of value in this world. You were the makers and the sellers, the creditors and the bankers. That's how we became dominant. You can't get out of that business now because you're in a global economy. You have to make things. That means high tech. That means research. That means investment, investment, investment. And someone has to pay for it. There are plenty of good way of making our workers better equipped, too. And you can't do that.

You can't leave that factory worker where he is now, or she is now, at $30,000, and say, ''Look, in this high tech world where we have to be smarter and slicker than they are, I'm afraid you're going to fall behind because you don't have the training.'' The GI Bill is a good idea for workers. Training vouchers is a good idea. Head Start is absolutely essential—learning technologies.

Is there any way you can explain how every kid in the United States of America doesn't have the opportunity to learn at a computer? How do you explain that to yourself? The richest place in world history, with all the tremendous wealth you have. How do you explain to yourself that there are kids who never see a computer—in my state, where people have Porsches parked or BMWs parked next to Jaguars? How do you explain it, when you're selling the airwaves for billions of dollars that you didn't even expect to have? Vice President Al Gore is right. Let's take some of that money and invest it in learning technologies.

Tax cut—hell of an idea. Learning technologies—an even better idea. Make your children the smartest in the world. Everybody knows that that's the avenue to the future. You write tracts about it. Kids write essays about it in the 8th grade.

But we're not doing it. That's the real world. It means investing, then capitalize, on the most extensive higher education system in the world. Promoting its strength and research, and making sure that it does not—that it becomes accessible to everybody. It means infrastructure. There is no money for infrastructure. Have you heard any Republican step forward and say, ''And another thing we're going to do is we're going to build the infrastructure.'' Why? Infrastructure is an arcane word. You get no political points for infrastructure.

I wish I could think of some sexy way to say roads, bridges, telecommunication, fiber optics. Infrastructure. Forty percent of the roads and bridges are in trouble. Overseas, they spent $6 billion, Maglev, they're way ahead of you. You cannot succeed economically unless you invest in infrastructure. Where are you going to get the money? They didn't even mention it. How could you not mention it? Is there anybody alive with any brains at all who knows anything about the economy who would not say to you that, ''Of course, we must invest more in the infrastructure.'' Or do they get challenged?

Does the public rise up after they have heard somebody on television say, ''Well, I'll never vote for you. You never even mentioned—what was that—infrastructure.'' Infrastructure. (Laughter.)

Those conservative Republicans cannot deny that all of these investments are essential. They simply ignore them because they're politically difficult truths, and because the polls don't give you points for arcane things like infrastructure. They know America needs a double bypass. And they know they're only suggesting cosmetic surgery. But as long as its popular, that's what they're going to give you.

Now, massive tax cuts of any kind would surely ring the popularity bell. But would you insist on them, if it meant that local tax rates would explode across the country—which they could, if you cut back programs that the states are going to have to pay for instead. Would they insist on tax cuts if they knew that bridges would collapse, that the deficit might go up again, that you were failing to meet your educational needs? And if we can afford to lower taxes, would you give 70 percent of the immediate benefits to people who make $100,000 a year, or would you give 70 percent of the immediate benefits to the ordinary families across America?

And as long as you Republicans are so quick to point out that the people have spoken—who told you? The poll. Why don't you take a poll on it. Mr. and Mrs. America, we're going to give you a tax cut. What do you want? A tax cut the immediate benefit of which goes to—70 percent of which goes to the people above 100,000, or one that goes to people under 100,000? What do you think the poll would say? How about this one. Mr. and Mrs. America, would you like to shorten the congressional session and cut everybody's salary in half—senators and congressmen? What do you think they'd say? (Laughter.)

Last time I looked, it was 82 percent said yes. I didn't see a single Republican hold up, ''The people have spoken.'' (Laughter.)

Of course, Democrats respect and believe in the efficiency of capitalism. A capital gains tax cut, in some circumstances, could be a very, very good thing. Deregulation—a very, very good thing. I did a lot of it in my own state. But if our system works only for investors and leaves millions of our people without the skills or opportunity to do more than tread water against the tide, our system fails. Now, if they're silent on these important things, what are they loudest on? Now, I'm really going to have to rush—and it's a shame.

Welfare. Why? Because it's popular. Don't you see what's happened? They've turned the middle class against the crowd beneath them. In the depression, you know, when everybody was angry, in 1932, whom did they blame? They blamed the power. The people who made it happen.

The bankers. The government. Everybody turned on the government—and they were right. And what's happened this time? Now they've turned the middle class downward. Instead of looking up at the people with the wealth, they're looking down at the people who are the victims. And who are you blaming?

The immigrants. That's easy. They have no political power, really, to speak of. Forget the fact that everybody here is an immigrant and that we all started by killing the only real entitled people to the place—the Native Americans. We butchered them. We savaged them. Everybody else is an intruder by your popular current definition. Forget that, because I'm lucky to be here now. It's the immigrants who are our problem. It's that baby who's making a baby. Forget about the fact that you allowed her, at the age of two, to be a toddler in streets surrounded by pimps and prostitutes and every kind of disorientation, that you allowed her to be seduced by somebody with a crack pipe when she was only nine years old.

Forget about that, that you allowed that society, that you allowed it to happen. She's the problem. Punish her. Punish the mother. No benefits for that child. Stick the child in an orphanage. You really think that's the answer? I don't.

In New York State we have problems, but we have answers, too, and they're not orphanages. We can show you ways to bring

down teenage pregnancy dramatically, and we have with the new Avenues to Dignity program in New York. That's not as popular as draconian devices, like what they want to do with welfare or the death penalty. In the end, behind nearly every one of the Republican proposals lurks the same harshness and negativity. And I think we need better from our leaders than to have them distill our worst instincts and then bottle the bitter juices and offer them back to us as a magic elixir.

We need a cure, not a reaffirmation of our distress. We must understand that our great social problems are not visited upon us like earthquakes and floods. They are uniformly avoidable disasters. And with intelligent and timely action, we can prevent them before they pull our children down. Punishment has its place, of course. But prevention requires more than fear. In New York, the movement toward prevention is the strongest element in our approach to health care.

Incidentally, that's what reforming health care should be all about, prevention. The reason you need to cover those 39 million people is not compassion. It's not that they're not getting health care. They are getting health care. In my state, everybody gets health care, even the people without insurance. They fall down in the street and they're taken to the emergency room. Or they come with a terrible pain in their belly that would have been nothing if they had been insured and been to a doctor early, but now is acute. And we take care of them. What would we do, let them die? ''You have no Medicaid. You have no insurance. Lay here and die.'' Of course not. We operate. You can find in the hospitals of New York City women and men on machines being kept alive for nobody knows how long except God, without any insurance, without any name, and we take care of them. You can't afford that.

Health care costs are going through the roof everywhere except in New York State. And they're high there, but we're the lowest-growing in the United States of America. That surprises a lot of people.

You have to do something about those 39 million people. And if Congress closed its eyes because it couldn't find a proper solution last time, you can't simply say, ''This is too difficult; leave the problem there.'' You will go bankrupt. Really? Of course. You all know that. It's not just Ira Magaziner. You can't make it go away by saying, ''Well, it was very unpopular.'' So do something else. Do something like what we're doing in New York. At least let the children of working people get insurance, get them into plans. We subsidize them to get them into plans. Why? Prevention. If you can vaccinate them, it's cheaper than trying to deal with their disease; so, too, with drugs. What is the answer to drugs? Look, you can build all the prisons you want.

You can contrive all the draconian punishments you want. You can say what the Republicans say, that more police, more prisons, more executions and reversing the ban on assault weapons will take care of the drugs and take care of the crime. It won't. Forget all about the complicated talk. Imagine this. Imagine a village. Imagine a village where the young people are drinking at a poisoned lake. And it makes them mad, and they come in every night to the village and they commit mayhem. And they rape and they kill and you arrest more and more of them and you stick them into jails in the village, and the jails are getting bigger and bigger and you have more and more village police and the villagers are complaining because they can't afford it.

And the generation of criminals keeps pouring out of the hills, having come from the poison lake. Wouldn't somebody with some brains say, ''For God's sakes, let's dry up the lake; let's find another source of water''? Of course you would. But why aren't you doing it here? Why doesn't it occur to you that unless you stop the generation of these drug-ridden people who become criminals and then violent criminals—your biggest problem now in terms of crime: children with guns. You're not going to get at that. Take it from me.

I told you, I've built more prison cells than all the governors in history before me put together, and it's not going to work. Ask any policeman. Fifteen years ago they would have told you something else. You have cultural problems. I'm going to have to end it now, and it really is a shame because I'm leaving out a lot of the good stuff. (Laughter.)

I really am. But let me leave with maybe the largest point, and maybe the largest point that I have learned in public life, and it's something that I kind of intuited before I was in public life. It's something I spoke about in my first speech before I ever even ran, and this was up in Buffalo in 1973 and I was talking about mama and papa and what was important about mama and papa and what they taught me, these two illiterate people, what they taught me by their example.

And what they taught me, basically—and then a Vincencian priest, you know, added to it, and then good books, you know, taught you most of all, that you're going to spend your whole life learning things and experiencing things, most of all disappointment and occasionally moments of joy. But in the end, you've got to find some raison d'etre. You have to find some reason for living. You have to find something to believe in. And for it to work, it has to be larger than you, that you will discover that you are not enough to satisfy yourself. Now, you might get to be 70 years old before you figure it out, but sooner or later you'll figure it out, that you must have something larger than yourself to hold on to.

Where have you gone, Joe DiMaggio, Bobby Kennedy, Martin Luther King, Jr.; some great cause, some great purpose? The Second World War did that. I remember a little bit of that. The Second World War was a horrid thing, but it unified everybody in America. They were evil; we were good. They were Satan; we were doing God's work. And everybody got together—the men, the women, the blacks, everybody; forget about poor, forget about middle class, forget about everything else.

There's a grander purpose here. There's a greater truth here, something we can give ourselves to, and we'll fight like hell. And we did. We haven't had anything like that since, and you don't have it now.

You're turning those white factory workers all over the country against people of color. You're turning them against the immigrants. They're blaming them. And I understand why they're blaming them. their life is vulnerable. They say, ''You're doing nothing for me, everything for them.'' That's the truth of it. You know it. We all talk about it. We don't all write about it that clearly, but you know that the society is being fragmented.

It used to be the middle class against the rich, but now somehow, I think with a little encouragement from some of the politicians, you have turned the middle class to look downward instead of up. And they're now pitted against the poorest. So here are the least powerful people in your society, the least fortunate, squabbling with one another.

Ladies and gentlemen, unless we find a way to put this whole place together, unless we find a way to see that your interest depends upon your seeing the child in South Jamaica, that Latina, that little Hispanic girl who just had a baby, that little black girl who just had a baby, as your child, or unless you see that factory worker in Georgia as your father about to lose his job, unless you understand that it's not as a matter of love, not even at Christmas and Hanukkah time; I wouldn't ask that of anybody in a political context. It's too much to use the word compassion. Forget that. You'll lose.

As a matter of common sense, you cannot afford the loss of productivity. You cannot afford the cost of drug addiction. You cannot afford it. We will not make it in this country unless we invest in dealing with those problems. And to deal with those problems, you have to give them other avenues to dignity instead of streets of despair. You will not frighten them into being good. You will not punish them into stopping drugs. You have to teach them. How to teach them?

Have a crusade; not just a rhetorical crusade, a real crusade. Invest in it. How would you teach children not to have sex too soon, to treat it as a great gift, not to be violent, not to take the drugs? How would you teach them? How do you teach anybody? Well, at home; their family is broken. In school; the teacher is too busy. In the church, the temple, the mosque; if they went there, it wouldn't be a problem. How do you teach them? Let the government teach them with laws. There's a role there, yes.

What's the best teaching instrument you have? Television. Yes, that's right. Why don't we teach them every night on prime time? Well, we have Partnership for a Drug-Free America. Once every week or two weeks they'll see those great commercials by the Partnership for a Drug-Free America. You read the New York Times this week. Drug use is up with teenagers. Why? Part of the reason, Partnership for a Drug-Free America isn't being seen enough. How do you explain that to yourself? You know it works.

You know the best thing you can do is teach the children not to take the drugs. The best way to teach them is television. Why aren't you on prime time? How can you settle for once a week or once every two weeks? If you were a mother of a child in South Jamaica, my neighborhood, and you knew that they were out there, going to tempt her with a crack pipe, and you had to go to work, would you settle for a stick-it note on the refrigerator once a week saying, ''Hey, dear, if they come at you with a pipe, make sure you don't take it. See you tonight. Mother.'' Would you settle for that?

We're settling for it as a society. You want to talk about tax cuts? You want to talk about all these nice things? Talk about the real problems. Talk about how to invest in your economy, how to create jobs, how to invest in a real crusade that would have to—put up some money. Buy some time. Sit down with Tisch at NBC and all the others. Say, ''We'll put up 5 million bucks. We want you to do the same.'' Let's saturate the place. Let's have billboards. Let the National Press Club write about it. Let all the community groups talk about it. Let's go at this problem for real because it's killing them and it's killing us.

Look, I lost an election. I've lost more than one, but I've learned a whole lot on the way, and I haven't forgotten any of it. And I'm telling you that I am absolutely certain we are not being honest about our problems. And the person who stands up and is honest with America and reminds America that they're now in charge—politicians used to think of themselves as shepherds. That's all over now.

Now the politicians are following the sheep. Read the polls. They'll tell you where they should go to pasture. And as long as

you know that, you had better send the right signals to your government, because if you tell them you want the death penalty, you'll get it. If you tell them you want tax cuts, you'll get it. If you tell them to take up the gangplank, you'll get it. If you tell them to ignore sick people, you'll get it. If you tell them to ignore the poor, you'll get it. If you tell them to victimize young children, you'll get it.

Be careful what you ask for, because they're listening for you. And ask for the right things. Ask for the truth. Ask for the real solutions to the real problems. I learned that. I won't forget it. Thank you for your patience.

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR THE 104TH CONGRESS

Mr. PRESSLER. Mr. President, pursuant to the requirements of rule XXVI of the Standing Rules of the Senate, I herewith submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Commerce, Science, and Transportation. These rules were adopted by the committee January 12, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION[1]

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he or she may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Ten members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

[1] Adopted by the Committee January 12, 1995.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment No. 11, beginning on page 25, line 11, pertaining to committee jurisdiction.

Gorton amendment No. 31 (to committee amendment No. 11) to prohibit the approval of certification of certain national history standards proposed by the National Center for History in Schools.

Levin/Kempthorne/Glenn amendment No. 143, to provide for the infeasibility of the Congressional Budget Office making a cost estimate for Federal intergovernmental mandates.

Bumpers amendment No. 144 (to amendment No. 31) to authorize collection of certain State and local taxes with respect to the sale, delivery and use of tangible personal property.

The PRESIDING OFFICER. Under the previous order, there shall now be 30 minutes for debate to be equally divided between the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from West Virginia [Mr. BYRD].

Who yields time?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield time to the assistant majority leader.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Idaho for yielding this time to me. I want to again commend him for the work he has been doing on this very important piece of legislation and for the patience and diligence he has exhibited over the past several days as we have crawled toward final passage of this unfunded mandates legislation.

We have now spent 5 very full days discussing procedures and unrelated matters on this very important legislation. That is the way the Senate works. It is a very deliberative body, and that is the way it has been historically.

I do want to urge my colleagues this morning to allow us to move forward, to debate seriously this very important legislation and to start dealing with germane amendments—amendments that really do relate to the substance of this bill.

A lot of charges have been made that this legislation was being moved too quickly. This obviously is not the case. The distinguished majority leader has exercised a lot of patience and has allowed all the time that Members could

possibly want to bring up amendments, even unrelated amendments, and debate them at great length. We have spent 5 entire days, and, yet, we are only beginning to discuss the serious parts of the pending bill. This pace certainly could not be considered rushing the bill through to judgment.

Further, this legislation is not a new concept. Senator KEMPTHORNE, Senator ROTH, Senator GLENN, and others, have been working on this legislation for 2 years. Senator KEMPTHORNE has personally worked with our Nation's Governors, mayors, and local legislators, as well as the White House, to craft a bill that would accommodate all concerns. So the document before us represents a carefully drafted and extensively researched and debated piece of legislation.

It has been charged that we did not have a report on time when it was brought to the floor. But now the reports are available. Members have had time to study these reports: Thursday, Friday, Saturday, Sunday, Monday, Tuesday, and Wednesday. So certainly there has been time now to read and reread the reports and to study the bill.

I think it is time we begin to move forward toward final passage of this very important legislation.

I hope that there will be a vote in support of the cloture motion today so we can get to the consideration of germane amendments. Members would not be prohibited from offering the amendments they have filed. There will be plenty of time for extended debate on those amendments, and then we could get to the point where we can finally consider final passage.

One of the things I suggest to our colleagues today is to call home. Check with your Governors, your county commissioners, your mayors, your small business men and women. Ask them what they think about the unfunded Federal mandates they have been dealing with. Ask them how much it has been costing. Ask them about the harm unfunded mandates have done—the tax burdens, the delays and the numerous other problems these unfunded mandates have inflicted upon counties, cities, States, and businesses.

The Washington Post reported today that 74.2 percent of State municipal leagues cited unfunded mandates as the most vexing issue local government faces, in a survey released by the National League of Cities. Numerous government and business organizations have endorsed unfunded mandates legislation, including the National Governors Association, the U.S. Conference of Mayors, the National Association of Counties, the National Federation of Independent Businesses, the National Conference of State Legislatures, the National School Board Association, and the U.S. Chamber of Commerce.

These groups represent the men and women across this country who are on the front lines, at the State and local level, fighting to do their jobs. They are urging Congress to examine more carefully the mandates that we place upon them. This legislation just establishes a process so we can seriously consider what we should do with these unfunded mandates and a way we can block them if they are not going to be properly funded.

The American people are asking us to move this much needed legislation. My prediction is that we will get to final passage of this legislation sometime, if not later this week, next week. But why must we delay the serious consideration of important and germane amendments to this legislation? Especially when we all know this bill will pass with overwhelming bipartisan support. Even President Clinton has called for enactment of unfunded mandates reform legislation.

So I just thank the Senator for yielding me this time. I urge my colleagues to vote for this cloture motion and allow us to move forward toward completion of this important legislation.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate greatly the comments of the assistant majority leader. How much time is remaining on our side?

The PRESIDING OFFICER. Eleven minutes.

Mr. KEMPTHORNE. Mr. President, I yield myself 7 minutes.

The vote Senators will cast today reflects their determination to establish a new partnership with our State and local and tribal governments and a better working relationship with the private sector. Mayors and county commissioners, Governors and school board officials and the private sector understand the significance of this vote.

This vote is the first test of Senators' commitment to reform Washington's dominance of State and local government. For too long Congress has been far too willing to merely pass the bill and then pass the buck to the States and localities, but the ultimate billpayer is the same weary American taxpayer.

This is a cloture vote on S. 1. S. 1 is nothing but a process to address a rational commonsense way to the long overdue problem of unfunded mandates. What this vote means is that Senators are willing to start voting on key issues related to this legislation. We will get on with the business of 30 hours of debate, debate on amendments that are germane to S. 1, debate on the specifics of the bill, debate, if you will, on what S. 1 is all about, which is unfunded Federal mandates.

Yesterday, Mr. President, as you know, we discussed for a number of hours education standards and abortion clinic violence—very important issues. But S. 1 is simply about unfunded mandates, and it is time to focus our attention on this very important issue.

S. 1 has two simple concepts: First, the National Government should know and pay the costs of mandates before imposing them on State and local governments.

Second, the National Government should know the costs and the impacts of mandates before imposing them on the private sector.

I support the decision of majority leader, BOB DOLE, to have this cloture vote. Senators on the other side, as has been pointed out, say that Republicans are rushing this bill; that we are moving too quickly; that we have not had a full debate; that there are serious issues to resolve. But Governors, mayors, and county commissioners believe the opposite is true. They say Congress has taken too much time and mandated and forced them to raise local taxes and cut local services and raise property taxes too much. I agree. I know from personal experience as a former mayor what unfunded mandates do. Federal mandates divert scarce local resources to Federal priorities, not local priorities. Mandates raise property taxes.

Ben Nelson, a successful Democrat Governor of Nebraska, I think summed it very well when he said:

> I was elected Governor, not administrator of Federal programs for Nebraska.

I also know from personal experience as a Senator the difficulty of passing reform legislation. I know the months spent last year trying to craft a bipartisan bill and then to see the delays that kept last year's bill from coming to the Senate floor, the effect that nongermane amendments had in preventing that bill from coming to the floor and being voted on.

I know the efforts I extended to seek what ought to be routine Senate approval of committee amendments, many offered by Democrats, that were all adopted unanimously by the committees. But as late as last night, we could not get agreement to adopt the remaining committee amendments.

I know the Senators I have talked with this week encouraging them to bring their amendments to the floor so that we can debate them so that we can vote on them. But I know there are many side issues that have been at play and situations. These are important issues all on their own, but debating those issues only slows down the effort to put in place a process to identify the costs of mandates and have Congress pay for them.

So it is time to move ahead and to focus debate on S. 1, a dynamic and fundamental change in the process of reestablishing a working partnership with our States and localities. S. 1 is bipartisan legislation. S. 1 is supported in this body and in the House of Representatives. S. 1 is supported throughout the Nation. The adoption of S. 1 can serve as a launching pad for other bipartisan legislation in this Congress and, therefore, Mr. President, I urge Senators to vote for cloture on S. 1.

I yield back the remainder of my time to our side.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time remains on the debate prior to the vote?

The PRESIDING OFFICER. The Senator from West Virginia has 15 minutes.

Mr. BYRD. And the other side has?

The PRESIDING OFFICER. It has 6 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, first let me compliment the managers of the bill on both sides, each manager, both managers. They have been very courteous, very understanding, and I have been impressed by those managers.

This cloture vote, may I say to my friends on both sides, is nothing but a blatant attempt to shut the minority out of the chance to amend this legislation. That is right, I say to the Senator from New Mexico. Just as there was an attempt to shut the minority out of offering their views in both the Budget Committee and the Governmental Affairs Committee, now we see the same tactics employed on the Senate floor.

There is a supreme arrogance about operating in this manner. We are being told by the majority: Do it our way or it will not be done at all.

This is a massive, complicated bill. There are major questions about its impact on the private sector, about its impact on the consideration of future legislation in terms of points of order, its possible cost, the ability of the Congressional Budget Office to make the required estimates, constitutional questions, and agency bureaucrats making decisions that elected officials ought to be making.

The people need to hear these things debated, and we Senators have a responsibility to make sure that this legislation is understood, not only by the American people but also by ourselves. How can we serve the people if we give up our right to debate and amend? We came here to represent our constituents. How does one serve those constituents if one simply acts like a doormat, if the minority acts like a collective doormat when it comes to the thorough consideration of legislation?

I for one cannot be a party to this slam-dunk process. I may vote for the legislation in the final analysis. I do not have any doubt that it will pass overwhelmingly at some point when it is fully debated and we have had an opportunity to amend it. I do not have any doubts that it will pass, but there are problems with this bill and those problems need to be addressed. Blind justice may be fine, but blind legislating is dangerous. And with this type of rush, this rush agenda, make no mistake about it, we are flying blind.

I hear a lot of talk about the so-called Contract With America. Well, apparently there is a lot of fine print in that contract that somebody around here does not want to read. They want to rush it through. Do not read the fine print. The American people need to know what is in that hard-to-read fine print, and the American people's elected representatives in the Senate and House need to know.

I wish to know a great deal more about this bill before I cast my vote on it. Let us put some sunshine into this process by allowing amendments and full debate on those amendments. Let us not pull down the blinds, slam the doors, and shut the American people out of the debate. They have had enough of the arrogance of power. They do not want any more of daddy knows best. That is the attitude from Washington, DC, the daddy-knows-best attitude. The American people do not want that.

When the minority is denied their right to question, to amend, to debate, then the American people are being denied their rights as well. I have stood for the rights of the minority heretofore, as Senators will know, when I was in the majority and when I was in the minority. And when the minority is denied that right to question, to debate, and to amend, then the American people are denied their rights as well. They are being denied their right to have important legislation thoroughly debated and debugged and made better.

That is all that we in the minority are asking. The Senate is the only place where that kind of careful consideration can occur, but the procedure of ramming legislation through the committees and through the Senate is the very antithesis of what the Framers and our earlier forebears in this Senate had in mind when they crafted the concept of a Senate with unlimited debate.

Mr. President, I reserve the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. And the Senator from Idaho has 6 minutes.

Mr. KEMPTHORNE. Mr. President, I yield 3 minutes to the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I wish to thank the Senator who is managing this bill for the outstanding job he has done. I once again commend him not only for the management but for his leadership.

Mr. President, I have great respect for the institution of the Senate. Perhaps at this point in time I have too much. Some people would say that I really like the Senate and I like what it does and how it operates. Well, I do. But I say to my good friend, Senator BYRD, if we are operating blind, it is not the fault of the majority. We have been on this for the fifth day. If we are still blind, somebody is causing us not to get to the issues.

I submit that the majority leader filed this petition because we have been sidetracked. If the last election meant anything—and I do not purport to be one who knows what it meant in great detail—I think it meant a few things, and I believe honestly it meant that the American people would like to see us get our job done and not to delay and dillydally around when we know we ought to do something.

Now, that is what the majority leader's petition for cloture is all about. I believe the issues raised by my good friend from West Virginia, which he just cited, are important issues. I submit they could have already been discussed.

Five days on the floor of the Senate, and I will not recap what we have done, but I believe it is time, No. 1, that we stop the plethora of amendments floating to the floor here. The staff and Senators are bringing them up in bushels. If we do not impose cloture, the 123 that we have will soon be 250. I would be surprised if very many of them, I say to my good friend, have anything to do with what the Senator states bothers him and should bother the American people. They are on all kinds of issues. I think our people, the mayors, the Governors, the county commissioners, and everyone they represent know that is undue delay, to just offer amendments on any subject under the sun on a clear-cut proposal that deserves debate.

How much debate? How many amendments? We are totally recognizing the minority rights. Some of us have been more times than not on the minority side. We are merely urging that we get on with the bill.

If the cloture does not pass, I hope we have sent a signal. And perhaps by the minority side's own analysis, maybe you have received a signal. Maybe you all want to get on with this bill. Maybe my friend from West Virginia is saying that when he says we deserve the right to tell the American people.

Do we deserve the right to tell the American people about small business and businesses that cannot collect sales tax because they are in some kind of catalog business? Do we deserve the right to have that debated on this bill? I think the Senate has the right to say we are not going to do that.

That is what this debate is about. Get to the point. Get your amendments if they are relevant. Come to the floor and let us get the questions answered. How much time do we need to get this bill analyzed and answered? We have already had enough. We ought to have cloture today. If we do not get it today, then we are going to get it pretty soon. And sooner or later, we are going to pass this bill by an overwhelming majority, and that point should be made. When that is the case, we are just causing delay because it is going to pass by a lot of votes.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, does this Senator control time?

The PRESIDING OFFICER. The Senator from West Virginia controls the time.

Mr. BYRD. Mr. President, I yield 2 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think it was only about 100 days ago, as I recall, that we were on the floor and the shoe was on the other foot. We were trying desperately to get something through and there was a scorched-earth policy on the other side and everything that came up attracted amendments like flies to honey and so bogged things down with supernumbers of amendments and filibusters and we could not get anything through.

I submit this. The congressional coverage bill and the S. 939, which is this bill expanded a little bit, were ready for floor action. We could not get them out and get them taken up because there were authorization and appropriations bills that still had to be dealt with. So we put them over to this year.

What happened this year? Well, what happened in committee the other day was: We submit the bill in committee 1 day, we want markup the next day, and passage on the floor the next day. We tried in the committee to make amendments to the bill—good amendments, substantial amendments, genuine things we had concern about—and we were told no, we cannot have that. We will have a party-line vote—and we did. They came out as party-line votes on a number of amendments and we were told that, no, we will take those up on the floor. We will be able to take up any amendments on the floor.

What happens when we get to the floor? There is no report along with this. We tried to vote that in committee and get a report. We could not get it. Senator BYRD, to his credit, brought this up on the floor and insisted that we have it. That delayed this. It delayed things for quite some time.

We have not been the only ones delaying things. I submit the amendment of Senator GORTON yesterday afternoon took up about, what, 3, 3½ hours, I believe. So that was on the other side of the aisle, as far as the delay goes.

When we came out on the floor, then I—I am a sponsor of this bill. I am part coauthor of this bill. Parts of it, S. 993, we worked on last year. So I am a proponent of this. I want to see this get through. But when we say we are going to put things on such a fast track that all the rules are going to be set aside and we are somehow going to just bring this out on the floor and we will all agree to it, we cannot accept that over here. I think due process on something that is changing——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I yield the Senator 1 more minute.

Mr. GLENN. When we have something as important as this bill, which I think is truly landmark legislation—this starts defining the new relationship that is going to exist from here on, as opposed to what has existed since the days of Franklin Roosevelt and the Federal programs that came in when local communities and States could not take care of their own problems. That set of rules and that set of legislation that has gone through all these years now is going to be reversed.

Will the States pick this up? Will they pick up the responsibilities they either did not or could not assume at this time? I think we have to see on that. But this is the first piece of legislation that really starts defining that new relationship, and as such it is going to be effective for a long, long time. I think to hustle it through because somebody set an artificial 100-day limit or whatever it is, I think just is not realistic.

I hope we will not vote cloture so we can consider this bill and make it as good as we possibly can. It is going to be around for a long time, affecting Federal-State relationships for a long period of time.

I thank my friend from West Virginia for yielding time.

The PRESIDING OFFICER. Who yields time? Who yields time?

The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I yield 1 minute to the chairman of the Governmental Affairs Committee.

Mr. ROTH. Mr. President, as chairman of the Governmental Affairs Committee I want to urge my colleagues to support the cloture motion. I cannot emphasize too much how critically important this legislation is. What the American people want is action and not merely talk.

Let me point out, as far as this piece of legislation was concerned last year, 993 was not held up by the then-minority side. It was a fact that amendments were offered from the majority side, amendments that were not relevant to the legislation before us that prevented consideration of this bill. In fact, the then-minority sought unanimous consent that this legislation be considered without amendment, but that proved impossible because of the action on the other side.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. KEMPTHORNE. Mr. President, I yield another 30 seconds.

Mr. ROTH. But, as I was saying, the important thing is for us to move ahead. The public, I might say every level of State and local government, have supported this legislation and have asked that we enact this legislation as quickly as possible, without major change. This is true of the Governors' Association, the legislatures, the mayors, the county commissioners.

Mr. President, I urge we act on this legislation and for that reason I hope cloture is voted in the immediate future.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BYRD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, Senate rules do not require that amendments be germane except under rule XVI dealing with appropriations bills. We are hearing all this hue and cry the last day or so that some of the amendments are not germane. I hope Senators will continue to offer amendments that they feel will improve the bill, remembering that amendments that were not germane have been offered many times by those now in the majority when they were in the minority. There is no Senate rule against nongermane amendments, except under cloture, under rule XVI, and when barred by unanimous consent.

Mr. President, I have no doubt we will see a solid party-line vote on my right. Our Republican friends are going to vote solidly. If minority rights mean anything in this body, I hope that the minority will stand up for its rights. We are in the minority and the American people—talk about what the American people want—the American people want to know what is in this bill. They also want their Senators to know what is in the bill. They want their Senators to take the time to understand it.

We are not up against a fiscal year deadline or an adjournment sine die or a deadline that the debt limit has to be raised. This is not an emergency bill. It does not provide moneys for earthquakes or other disasters. This is a bill that is up here on the 19th of January and we have all this rush to go to immediate judgment.

What is in the bill that the majority is afraid of? Why not put it under the microscope? Why not give it the strongest scrutiny? That is what we owe to the American people. We also owe it to ourselves.

So, Mr. President, I am not concerned about a Contract With America. Here in my hand is my contract, the Constitution of the United States. And I have some constitutional questions about this legislation.

Our forebears in this Senate did away with ''the previous question.'' They have provided for us, since the year 1806, no ''previous question'' in the rules, no immediate shutting off of debate.

We have the cloture rule and we are given an opportunity to shut off debate. I hope we will not shut off debate on this measure until we can have some votes on amendments that the minority feels are important. We have that right and we ought to demand it.

I know that my good friend on the other side——

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. BYRD. I will take 1 more minute.

I know the majority leader on the other side, BOB DOLE—he is my good friend. I am fond of him. But he probably thinks we are going to fall apart here in the minority. We have a duty to stand up for the rights of the minority and the rights of the American people to understand what is in this legislation before we buy into it.

I hope every Member of the minority will show some guts and stand up for the people's right to know. That is what this is all about. What is all the rush? We have plenty of time.

It is only the 19th of January. Let us take the time to understand what we are voting on.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia has 37 seconds and the Senator from Idaho has 27 seconds.

Mr. KEMPTHORNE. Mr. President, in summation, may I just say that this vote on cloture does not close off debate. It says we will now have 30 hours of debate but the amendments will pertain specifically to the legislation before us. That is what the American people would like. They would like us to deal with unfunded Federal mandates. Our partners are in the public and private sector. There would be 30 hours of debate on amendments specific to S. 1. That is what the American people are asking for. We are prepared to deliver.

I yield the remainder of my time.

Mr. BYRD. Mr. President, this bill does not even take effect until next January. Why can't we take a few more days here and have a closer look at this legislation that is included in the so-called ''Contract With America?'' I may favor the final bill. It does not take effect until January. We have plenty of time, and if the minority has any spine, any steel in their spine, and fire in their bellies, they will stand up against this effort to stampede and run over the minority. It was done in the committees. It is being tried on the floor. Now is the time, Mr. President, for the minority to take a stand on behalf of the people's right to know.

I thank all Senators.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the question is on agreeing to the amendment of the Senator from Michigan, amendment No. 143. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—99

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Cohen	Jeffords	Sarbanes
Conrad	Kassebaum	Shelby
Coverdell	Kempthorne	Simon
Craig	Kennedy	Simpson
D'Amato	Kerrey	Smith
Daschle	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dole	Lautenberg	Thomas
Domenici	Leahy	Thompson
Dorgan	Levin	Thurmond
Exon	Lieberman	Warner
Faircloth	Lott	Wellstone

NOT VOTING—1

Johnston

So the amendment (No. 143) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Democratic leader.

Mr. DASCHLE. What is the pending order of business?

The PRESIDING OFFICER. Under the previous order, we would go into the cloture vote.

Mr. LEAHY. May we have order, Mr. President, so the Democratic leader can be heard?

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. DASCHLE. Mr. President, I would like to use a couple of minutes of my time, if I could, to talk about the pending vote.

Mr. DOLE. Mr. President, may we have order, so the distinguished leader can be heard?

The PRESIDING OFFICER. Senators will take their seats.

The Senate is still not in order.

The Democratic leader.

Mr. DASCHLE. I thank the Chair.

Mr. President, I will not delay the vote very long, but I want to make a couple of points, if I may.

The vote that we are about to cast is not a vote on the bill, nor is it a vote on a filibuster. There is no filibuster occuring at this time. In fact, many of us on this side of the aisle support the intent of this legislation and very much want to work with our colleagues on the other side in an effort to achieve a resolution to this bill at some point in the not too distant future.

There essentially are two issues that relate directly to upcoming vote. The first issue relates to the process of considering this bill.

There appears to be a rush on the part of the Republicans to pass this legislation. It was rushed through committee. Amendments offered by Democrats were defeated on a party-line vote. We were told in committee, both in the Budget Committee as well as in the Committee on Governmental Affairs, that we would have the opportunity, ample opportunity, to consider amendments here on the floor. And thus the bill was rushed through two committees in the course of a few days.

The bill was then rushed to the floor. Despite objections by our Democratic colleagues, the decision was made by the Republicans not to file committee reports. Ultimately, reports were filed after the fact, once the bill had been brought to the floor. Now, we are about to vote on cloture, having only disposed of three Democratic amendments.

And, I might say, those amendments were agreed to overwhelmingly. I do not know that there was a negative vote on any of the amendments that were offered on our side. There was one nongermane Republican amendment on which we spent more time than all of the three Democratic amendments put together.

Yesterday, I offered to the distinguished majority leader a list of specific amendments, a finite list of amendments, that we would like to have considered. We discussed the possibility of considering his list and our list. Despite our efforts to reach an agreement, and, as is his right, he chose to go forward with the cloture petition we are voting on today.

The problem is simple. If cloture is invoked today, there are many Democratic amendments, relevant amendments, amendments that ought to be considered, amendments that in good faith we have offered in committee and again now on the floor, that we will not be allowed to offer. I am very concerned about that.

Under this bill, as it exists, future legislation designed to protect people from age discrimination could be held up by the procedures established by this bill. We have had assurances from the other side that they would like to correct this. Yet the distinguished Senator from Michigan has tried now on several occasions to correct it, to no avail.

The distinguished Senator from Ohio, the ranking member, would like to offer a substitute. If cloture is invoked today, he will not even be allowed to offer a substitute—a bill that is very similar, if not identical, to the bill that was passed on the floor last year.

If cloture is invoked, we will not have the right to offer relevant amendments that, in some cases, may not be germane to the bill. We do not know.

As every Senator knows, there is a difference between relevancy and germaneness. There are a number of relevant amendments that will be precluded from consideration by the Senate if cloture is invoked. That is the first issue.

The second issue is a much larger one. The second issue relates to something our Republican colleagues certainly appreciate, and that is the rights of the minority—the right to be heard, the right to offer amendments, the right for them to be considered as we raise these issues one by one on the Senate floor. That issue is at stake here today.

All we want is an opportunity to be heard and for our amendments to be considered in a meaningful way. That is all we are asking.

Again, let me reiterate, this is not a filibuster. Ultimately, I hope that on a bipartisan basis, we will have a vote on this bill. I hope our colleagues on the other side of the aisle will take into account our sincere intention to proceed ultimately to a vote on this bill, vote ''no'' on the cloture motion, and allow us to offer our amendments.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Was leaders' time reserved?

The PRESIDING OFFICER. It was.

Mr. DOLE. Mr. President, I appreciate what the distinguished Democratic leader has had to say. It may not be intended to be a filibuster, but this is their fifth day. We spent 5 days on the bill before that that took the House 1 hour and 20 minutes to pass on congressional coverage. That was not intended to be a slowdown either, but we had all these amendments.

The next amendment is not germane. It has to do with catalogs; nothing to do with unfunded mandates. It has nothing to do with this bill, but we will spend probably 2 or 3 hours on that.

We spent about 4 hours yesterday on violence at abortion clinics. Nobody quarrels with that, but it has nothing to do with this bill. We spent most of the afternoon either in recess or negotiating what to do with that amendment. It was not germane, not even relevant to this bill.

I am a very patient person. Of course, you have to be a little patient in the Senate, because there are certain things you cannot do. You cannot just say, ''Well, that's it. It's over. Move on to something else.''

We have a letter signed by a number of Governors supporting the cloture motion today. They know what is happening. The American people know what is happening.

We are on the 11th committee amendment. Generally, it is routine to adopt all the committee amendments. We are on No. 11. We have had votes of 99 to zero, 98 to 1, wasting time with votes of this kind on amendments that ought to be accepted. Anything to take up time. Anything to delay this process. A bill that everybody supported on that side of the aisle last year suddenly has become very controversial because we have had a change of management, apparently.

But I notice that Governor Dean from Vermont, Governor Thompson, and Governor Nelson of Nebraska all suggest that we ought to move ahead with this bill and support the vote on cloture.

Mr. President, I ask unanimous consent that that letter be made part of the RECORD. It is signed by at least 20-some Governors in both parties.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL CONFERENCE OF STATE LEGISLATURES, INTERNATIONAL CITY MANAGEMENT ASSOCIATION, NATIONAL GOVERNORS' ASSOCIATION, NATIONAL LEAGUE OF CITIES,

January 18, 1995.

To Senators Not Cosponsoring S. 1, The Unfunded Mandate Reform Act of 1995:

We are writing to urge your support for S. 1, legislation that will relieve state and local governments from the burdens of future unfunded federal mandates. As you know, the bill is pending on the Senate floor. The first few days of consideration have been plagued by parliamentary delaying tactics and ongoing, unlimited debate. To expedite action on pending amendments and final passage of S. 1, Senate Majority Leader Bob Dole filed a motion to invoke cloture on January 17 and a vote is expected on January 19.

As the elected leaders of State and local governments, we strongly urge your support for the Senate Majority Leader's motion to invoke cloture to allow Members to proceed with consideration of amendments and final passage of S. 1, Senator Dirk Kempthorne's mandate relief bill.

Again, thank you for your support. The collective members of our organizations stand ready to assist you in any way we can to ensure the immediate passage of this important legislation.

Sincerely,

Howard Dean, M.D., Governor of Vermont; Chairman, National Governors' Association.

Tommy G. Thompson, Governor of Wisconsin; Vice Chairman, National Governors' Association.

George V. Voinovich, Governor of Ohio; Co-Lead Governor for Federalism, National Governors' Association.

E. Benjamin Nelson, Governor of Nebraska; Co-Lead Governor for Federalism, National Governors' Association.

Victor Ashe, Mayor of Knoxville, Tennessee; President, U.S. Conference of Mayors.

Norman B. Rice, Mayor of Seattle, Washington; Vice President, U.S. Conference of Mayors.

Richard M. Daley, Mayor of Chicago, Illinois; Chair, Advisory Board, U.S. Conference of Mayors.

Jane L. Campbell, Assistant Minority Leader, Ohio House of Representatives; President, National Conference of State Legislatures.

James J. Lack, Senator, New York State Senate, President-Elect, National Conference of State Legislatures.

Michael E. Box, Representative, Alabama House of Representatives; Vice President, National Conference of State Legislatures.

Carolyn Long Banks, Councilwoman-at-large, Atlanta, Georgia; President, National League of Cities.

Gregory Lashutka, Mayor of Columbus, Ohio; First Vice President, National League of Cities.

Sharpe James, Mayor of Newark, New Jersey; Immediate Past President, National League of Cities.

Randall Franke, Commissioner of Marion County, Oregon; President, National Association of Counties.

Doug Bovin, Commissioner of Delta County, Michigan; First Vice President, National Association of Counties.

Michael Hightower, Commissioner of Fulton County, Georgia; Second Vice President, National Association of Counties.

Carl S. Nollenberger, Chief Administrative Officer, Duluth, Minnesota; President, International City and County Management Association.

Mr. DOLE. Now, I assume that if it is a party-line vote, we will not get cloture. Maybe not today; maybe not tomorrow; maybe not Saturday. I do not know when we will get cloture.

If the other side of the aisle, the minority, is sincere about amendments, why not give Members a list? We were negotiating yesterday about 38 amendments. We got a list last night of 78 amendments. We thought we were going to cut them down. We doubled it, and added two for good measure. There are 117 amendments filed at the desk, and there has been cloture invoked.

We can do trimming on this side, too; we have too many amendments, 30. That is a total of 108 amendments. The way we are grinding along, we would not finish this bill before the Easter recess, or there would not be any Easter recess. Nobody is in a hurry to pass this bill. They do not want to do it before the President gives a State of the Union message.

I say, Mr. President, we have been trying to be helpful on Mexico, and we have heard a lot of silence on the other side of the aisle. But Mexico comes up right after unfunded mandates, after it is completed, if it is a week from now or 2 weeks from now. That is up to the President of the United States and the Democrats in Congress. Maybe it is not important to anybody there. This is important to the President, and we have made a commitment to the President to try to be helpful.

However, it is fairly difficult for me to stand here as a Republican leader to try to help the President of the United States and the other party, when the other side in this Chamber has done everything they can to prevent a vote on unfunded mandates.

Call it what you will. I have learned a lot about delay. In fact, we taught a course in the last 2 years. We got A's, good grades. We stopped a lot of things. So I am not here to suggest we should not do it, because we have not used the rules, because we have. I have learned—I forget most of it—but everything I learned, I learned from my friend from West Virginia, Senator BYRD. He knows more than all of us put together, which is dangerous, in a way.

I asked him for advice before I talked to him. Can I do this or can I do that? I do not want to be embarrassed, and I know he would not do that.

In any event, I just suggest as the Republican leader that I know that we want to accommodate our friends on the other side of the aisle. So if there is an effort to give Members a real list of relevant amendments, maybe we can do business. But do not give me a list of five amendments for this person, five for this person, everybody take five. We had 78. Give me a list of relevant amendments, relevant to this bill, and germane amendments. I bet they would not total over 15 or 20. We will do the same on our side of the aisle, and maybe by 2 or 3 p.m., we will have it down to 30 amendments. Then we might do business. But not with 100 or some.

We may never get cloture, but we will continue to try. Maybe the Governors and the mayors and the county commissioners and the taxpayers of America will understand, maybe not today, maybe not tomorrow, maybe not next week, but sooner or later, we need to pass this bill. There are not that many amendments. We will have every nongermane, nonrelevant amendment anybody has ever thought of. They are cleaning out their wastebaskets trying to find amendments.

We are prepared to do business. We urge our colleagues on both sides of the aisle to support this cloture motion. That will reduce the number of amendments drastically, but they would all be relevant. They would all be germane to this bill. They would be important amendments. We will probably spend an hour and a half or 2 hours on the catalog amendments. We spent an hour last night. It has nothing to do with this bill. So we are a little bit frustrated. The American people are frustrated.

We promised the American people we would listen to them, and we have not listened to them. We listened to everybody else. The American people want Members to pass this bill. The Governors, Democrats, Republicans, mayors, commissioners, you name it, want the Senate to pass this bill. We are not going to do it because the minority party says, ''No, we don't want to do it.'' There is no hurry; we do not normally do work in January.

This is not a normal year. We are trying to deliver on the message the voters gave us last November, all of us on both sides of the aisle; not just Republicans.

However, if we are thwarted from our effort to deliver, they will not blame us. So we will stand here every day, at every opportunity, and tell the American people why we could not pass unfunded mandates. Two days would have been plenty for this bill; 2 days.

So I hope we will invoke cloture and move on to pass this bill, and then try to accommodate the President's wishes on Mexico, and following that, the balanced budget amendment.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Don Nickles, Connie Mack, Trent Lott, Thad Cochran, Alfonse D'Amato, Al Simpson, Strom Thurmond, Pete Domenici, Ted Stevens, Bill Cohen, Christopher S. Bond, Frank Murkowski, Jesse Helms, Spencer Abraham, Bob Smith, Larry E. Craig, Mike DeWine, and Bill Frist.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the bill, S. 1, the unfunded mandates bill, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Louisiana [Mr. JOHNSTON]. If he were present and voting, he would vote ''no.'' If I were permitted to vote, I would vote ''yea.'' I, therefore, withhold my vote.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Louisiana [Mr. JOHNSTON].

If present and voting, the Senator from Louisiana would vote ''nay'' and the Senator from Rhode Island would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—54

Abraham	Faircloth	Lugar
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Bond	Gramm	McConnell
Brown	Grams	Murkowski
Burns	Grassley	Nickles
Campbell	Gregg	Packwood
Chafee	Hatch	Pressler
Coats	Hatfield	Roth
Cochran	Helms	Santorum
Cohen	Hutchison	Shelby
Coverdell	Inhofe	Simpson
Craig	Jeffords	Smith
D'Amato	Kassebaum	Snowe
DeWine	Kempthorne	Specter
Dole	Kyl	Stevens
Domenici	Lott	Thomas
		Thompson
		Thurmond
		Warner

NAYS—44

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	

NOT VOTING—1

Johnston

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, as an original cosponsor of S. 1, the Unfunded Mandate Reform Act, I rise in strong support of this legislation.

The unfunded mandate reform bill is not only important in its own right, but it is also important to ensure that the balanced budget amendment to the Constitution—an amendment which I believe will be approved by the Senate and House of Representatives in the coming weeks—will be implemented as the American people intend.

The ideal balanced budget amendment would do more than just require a balanced budget. It would, in my view, limit Federal spending as well as the ability of the Federal Government to impose unfunded mandates.

As the Washington Times editorialized recently, ''the real problem,'' referring to the budget deficit, ''is lawmakers' dipsomaniacal spending habits. This is what we must control, one way or another.'' The Times went on to note my balanced budget/spending limitation amendment Senate Joint Resolution 3, which includes an explicit spending limitation, saying, ''this version has obvious appeal—it is simple and straightforward,'' and, as such, that ''a spending limit may do the job better than a tax limit.''

Mr. President, I would assert that a spending limit is more than just ''simple and straightforward.'' Whether or not a spending limitation is included in the balanced budget amendment, the only way to comply with a balanced budget requirement will be to limit Federal spending.

Some will no doubt argue that tax increases must be part of the solution. But I believe that, if they were, the budget would be balanced by now. We have had record-setting tax increases in 1990 and 1993. The cold fact is, however, that tax increases do not work—

will not work—because tax increases ultimately change people's behavior. Higher tax rates discourage work, production, investment, and savings, so there is less economic activity to tax and less revenue than expected to the Treasury. Lower tax revenues, on the other hand, encourage people to work, produce, save, and invest, so more revenue flows to the Treasury as a result of increased economic activity.

As pointed out in a column which appeared in the Wall Street Journal in March 1993 by W. Kurt Hauser, a member of the board of overseers of the Hoover Institution, ''no matter what the tax rates have been, in postwar America tax revenues have remained at about 19.5 percent of gross domestic product.'' Hauser went on to write that, ''if history is any guide higher taxes will not increase Government's take as a percentage of the economy.''

Hauser's observation is borne out in President Clinton's last budget, which reported revenues fluctuating around a relatively narrow band of about 18 to 20 percent of GDP for the last 40 years. That is despite tax rate increases and tax cuts, bull and bear markets, and Presidents of both political parties.

Over that same period, Federal spending has risen from 17.8 percent of GDP in 1955 to more than 23 percent in 1991 and 1992, and now stands at about 22.5 percent.

It is Federal spending that is the problem. Congress spends too much, and it will never be able to balance the Federal budget until it constrains spending. With that reality in mind, I believe the ideal balanced budget amendment to the Constitution ought to include an explicit spending limitation.

We will have that debate in the coming weeks. I suspect that the votes aren't there for an explicit spending or tax limitation in the balanced budget amendment, but as legislation to implement and enforce a balanced budget amendment is considered in the months ahead, I will vigorously pursue the issue.

Today, however, we are considering a second component of what it would take to implement what I consider to be the ideal balanced budget amendment. S. 1 represents the first step toward resolving the problem of unfunded Federal mandates. Without such legislation, a balanced budget amendment might merely encourage Congress to shift the burden of programs and policies it is unable to fund to State, local and tribal governments, as well as the private sector. That shifting of the burden is not what the American people intended when they overwhelmingly voted for change—and less government—last November.

Mr. President, I said that S. 1 represents a first step, a first step because it only applies to future mandates. It does not address the problem of existing mandates, which already impose a significant burden on State, local and tribal governments and the private sector. And, it is the burden of existing mandates that has so enraged the American people. I believe they care less about this Congress relieving them of future mandates which we have yet to conceive of or impose, than they do about relieving them of the burden they currently bear, the morass of Federal mandates and regulations that are strangling our economy.

According to the Clinton adminstration's own National Performance Review, the cost of private sector compliance with Federal regulations is at least $430 billion a year, or 9 percent of our GDP. Other economists believe the regulatory burden imposed on the private sector and State, local and tribal governments is between $500 to $850 billion per year, more than the amount collected in personal income taxes in 1994. Add to that the indirect and cumulative productivity losses from Federal regulations, and the annual costs could double.

Let me talk for a moment about some of the existing mandates, which are discussed in a superb report prepared by the Goldwater Institute in Arizona, a report aptly titled, ''Summary Orders from Distant Gods.'' Dr. Douglas Munro, in a preface to the Institute's report, characterized the problem of unfunded mandates very succinctly: that Federal mandating is rooted in the idea ''that the Federal Government's solutions to all problems are preordained to be superior to others.'' They are not.

In Arizona, for example, the Salt river is fully regulated and monitored—at State expense—to be in compliance with standards set by the Clean Water Act for fishing and swimming. That is despite the fact that the Salt River is usually dry for 50 of the 52 weeks of the year, and when it's running, people do not fish or swim in it.

Citing testimony before the Arizona State Legislature by the president of the Water Utility Association of Arizona, Paul Gardner, the Goldwater Institute reports that as many as 200 to 500 small water businesses in the State are expected to go bankrupt over the next 5 years as a result of the costs of testing for contaminants which are very rarely present. The director of the Arizona Department of Environmental Quality, Ed Fox, further testified to the problems faced by small water companies under the Safe Drinking Water Act [SDWA], noting that those small companies must test for an additional 25 or so EPA-selected pollutants every 3 years, regardless of whether or not any pollutants are ever found as part of the regular testing process. But, the access by those small companies to the funds necessary to conduct such testing is severely limited.

According to Goldwater Institute data, the State of Arizona will pay at least $184 million in direct, unfunded mandate costs. Add to this the $693 million that the State will spend to secure matching grants and the $145 million in maintenance of effort requirements, and the result is about $1.2 billion, or 15 percent of Arizona own-source revenue is directly tied to Federal directives.

Probably the largest portion of costs to the State of Arizona—49.5 percent of the total—are associated with the provision of services to, or incarceration of, undocumented aliens. This, of course, is not the result of a Federal mandate per se, but rather the Federal Government's failure to adequately perform its responsibility to control the Nation's borders. That, in effect, has the same effect as an unfunded Federal mandate. That the Federal Government does not do its job foists additional costs on other levels of Government to fill the gap.

According to the National Conference of State Legislatures [NCSL], there are now 192 operative legislative mandates, an all-time high. The overall cost of mandates to the State, local and tribal governments is hard to pinpoint, but a report by the NCSL put estimates at between $15 and $500 billion. Price-Waterhouse reports aggregate fiscal year 1993 costs for just 10 mandates—mainly environmental—at over $54 million for just the 4 Arizona cities of Gilbert, Phoenix, Scottsdale, and Tucson.

I would emphasize, as the Arizona Republic did in a January 11 editorial, that resolving the problem of unfunded mandates does not ''mean, say, that environmental regulations would not be approved. Just that Congress will have to prioritize its spending to fund them.''

Most of what S. 1 addresses relates to mandates imposed on State, local and tribal governments, but the burden of unfunded mandates is borne by the private sector as well. S. 1 merely requires reporting of the costs to the private sector of future mandates. It does nothing to make it harder for Congress to impose future mandates on the private sector except document their cost, nor does it require the Federal Government to help offset their cost.

That is why I believe S. 1 really represents just a first step. It is what is doable now, but bolder steps must follow to satisfy the public's demand for real change, for relief from the crushing burden of Federal mandates and regulations.

If the Federal Government's solutions to problems were indeed superior, then the Federal Government should be willing to back those solutions, those mandates—future as well as existing mandates—with the funds to implement them. That Congress has not, at least until now, been willing to fund the mandates it imposes on State, local and tribal governments, or the private sector, illustrates that either Congress has found a convenient way to elude budget constraints while still imposing its will on others, or that it does not believe the mandates are important enough to back them with Federal dollars.

Responsible budgeting is a matter of prioritizing. If the functions that the

Federal Government mandates on others are truly important, then they should be of high enough priority to warrant a commitment of Federal funds to pay for them. Congress and the President must be constrained in the amount of taxpayer dollars they are able to commit, either directly or indirectly in the form of unfunded mandates. That is the essence of responsible budgeting, and indeed responsible government.

Mr. President, we should support S. 1 now and immediately go to work to protect the private sector from Government mandates and determine effective ways to end inappropriate existing mandates on State, local and tribal governments and the private sector.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to make a couple of comments about some of the discussion that was held prior to the last vote on the floor of the Senate. I am uncomfortable leaving that discussion where it was left.

It is interesting how, in the Senate, two different views of the same picture produce two different descriptions of where we are. This is a very important piece of legislation. Reforming unfunded mandates is not a small undertaking. This bill, which would substantially change the way that the Congress has behaved in recent decades, is not a small issue or a small matter.

Many of us believe that this legislation should move forward. And it will. It will with the votes of many of us on the Democratic side of the aisle, I am convinced. But we are told that at this moment on this side of the aisle Members are engaged in tactics to delay, to stall—dilatory tactics, some say.

Let me again review where we are and why. It is the intention of some to move this legislation very, very quickly for their own reasons. The Committee on Governmental Affairs had a markup on this almost immediately when Congress reconvened. We were told in the committee that it was the intention of the majority to move this legislation to the floor without substantive amendments—and they did that. The majority assured us that amendments could then be offered on the floor. But S. 1 came to the floor from two committees, and the committee reports that were appropriate to go with the bill were not made available.

The Senator from West Virginia very properly indicated that they ought to be made available and that we ought not consider this legislation until they were. Dilatory? Hardly. He was simply asking for the sort of information we would expect as legislators.

When the reports were made available, a good many of us had amendments available to be offered on the floor of the Senate. Have we been able to offer those amendments? No, unfortunately not.

It seems to me that we will break this impasse when those who bring this legislation to the floor say all right, we are ready to entertain your amendments. Offer them, debate them, and let us vote on them. Those are the assurances we were given in the committee when this legislation moved out of the committee.

I know some who have responsibility to run the train want the train to run on time. But others who are on the train want to understand which train it is, which track it is on, and where it is heading. These days, with all the reform ideas and new ideas, and, yes, some nutty ideas that are bouncing around the Halls of the Congress, I think we ought to at least slow down the train enough so we understand exactly what we are hauling and where we are headed.

Will we see legislation one of these days that provides for the nutty idea of providing tax credits to the poor to buy laptop computers? If it is in legislation, I hope it comes through here slow enough so I can see it and flag it.

Or the new idea from the Heritage Foundation, that maybe we ought to charge admission for the American people to tour the Capitol? That is a novel, nutty idea—let us charge people to tour the building they own?

It is one thing to try to run the train. It is another thing to want to do things right. This legislation in my judgment is going to pass and be signed into law by the President of the United States. But I find it ironic that the ranking member, Senator GLENN, who has been one of the coauthors of this legislation, who has amendments to offer to this legislation—even the ranking member now finds that we do not have time. Gee, we are stalling because we want to offer amendments.

I have great respect for my friend, the Senator from Idaho, who I think has done excellent work on this subject. As I have indicated before, this is a meritorious subject for us to be considering. In the end I hope to vote with the Senator from Idaho because I believe in the unfunded mandates bill. In fact, I helped write some of it during the last session. Some of the language I helped write with respect to the private sector is in this bill. But I say to those who are concerned about timing, I say to those: Let us do it. Open the bill up, allow us to offer amendments, allow us to debate the amendments, and allow us to vote on amendments and we will be through in my judgment.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. DORGAN. But if the process is going to be let us do this in a way so when we offer amendments you second-degree them all, if we slam-dunk this bill—I am sorry, that is not the way this body works. Senators have certain rights. We have the right to offer amendments and we want them voted on. I would especially say on behalf of my colleague—I am sure the ranking member will say this on his own behalf—we have the right to do that and we intend to exercise that right. At the end, I think this legislation will be better legislation and will ultimately pass this Congress.

I will be happy to yield to my friend.

Mr. KEMPTHORNE. I appreciate it very much.

Mr. President, I would like to reiterate—I appreciate what the Senator from North Dakota has said and also the leadership he provided in constructing many of the provisions in this legislation, in particular helping the private sector.

But I want to assure the Senator that invitation is there. I have repeatedly been offering that invitation to please bring your amendments to the floor, let us deal with them.

One of the impediments, apparently, is we have not been able to get through committee amendments yet. But yesterday and the day before I have been calling Senators on both sides of the aisle encouraging them, saying, I know you have an amendment that affects this legislation, and while I may or may not agree with it, please bring it to the floor now. Let us put it before the desk, and let us debate it. But again there have been other impediments.

Mr. DORGAN. I appreciate that. The Senator from Idaho operates in good faith, as do almost all of our colleagues, and understands the rules very well. I was here yesterday. I could not help but hear someone complain recently about nongermane amendments. We spent 4 hours yesterday on the amendment offered by Senator GORTON on this legislation. So it is all in the eyes of the beholder.

I was also here yesterday most of the day when Senator BOXER wanted to offer her amendment and finally got it, I guess, after 10 hours. I would simply say I have a couple of amendments. I would love to offer them very soon and have a debate and an up-or-down vote. If the Senator from Idaho is willing to let me do that, let us do that this afternoon. I am willing to agree with respect to time limits on my two amendments. I expect most other Members on the Democratic side of the aisle would say yes, give us the opportunity to have our amendments brought up and debated. And we will be plenty happy to do that. I know the ranking member, Senator GLENN, wants to speak on this as well. But that is all we ask for at this point.

Mr. KEMPTHORNE. Will the Senator yield? I would just say that I will take the Senator up on that offer.

Mr. DORGAN. I will be here.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. GLENN. Will the Senator yield?

Mr. BUMPERS. Yes. I will be happy to yield.

Mr. GLENN. Mr. President, I support this legislation. I know the necessity for it, and I want to see this legislation go through. I wanted to see its predecessor last fall go through, S. 993, also.

That got caught up in all the things we recall all too well of last fall when there was delay after delay after delay on the floor. And I would say, had there not been that kind of delay, perhaps we would have had time to bring up not only the congressional coverage bill that we finally got through this year, but also S. 993, and we would not have to be dealing with those matters in this particular Congress.

But more to the point right now, with all due respect, the statement was made that if cloture is invoked, we would still be able to offer amendments on the bill because we would have 30 hours of debate. But you go under a different set of rules, Mr. President. Different rules apply once cloture is invoked.

After cloture is imposed only germaneness amendments can be offered. The meaning of germaneness is not the same as you may look up in your office or look up in your home in the Webster's definition of ''germaneness.'' The ordinary meaning of germaneness would mean ''basically relevant.'' It has a technical meaning here in the Senate under Senate custom and Senate judgment of what that means. That is far more narrow than the word ''relevant.''

For example, if I were to offer an amendment to S. 1 that would expand CBO's responsibilities under the bill, which is basically what would happen if I tried to introduce S. 993, even though we all approved of that, 67 cosponsors last fall to S. 993, certainly that would not be relevant because, compared with the current legislation we are considering, S. 1, it would expand a little bit the CBO's responsibility.

So the definition under Senate rules is that it would not be germane because it expands that responsibility of the bill being considered. That would be the case if we went under cloture.

There are many Democratic amendments to this bill, ones that we wanted to offer in committee that would improve the bill and would have made it better coming out on the floor. Those were defeated in the committee by a straight party-line vote.

Let me say this. In committee I made a prediction. I said that if we did not take that up, take the relevant amendments up and try to make this as good a bill as we could to come out of committee, when it hit the floor it would attract other amendments like ''flies to honey.'' I think that was the term I used. That has proven true in this case beyond anything that even I foresaw when I said that over in the committee room the other day.

What we have had now, this being the first couple of bills out, the congressional coverage and now this bill, S. 1, this is the first opportunity that people have to offer amendments on the floor. Under Senate rules they can offer those amendments. Cutting off debate, invoking cloture on this, would mean that a lot of those amendments would no longer be germane, would no longer be germane and could not be offered.

Ordinarily, you may say that is OK. But the problem is we were not permitted to offer amendments in committee that would have improved the bill and some of them under cloture would be ruled nongermane now. So that is the reason that I voted to not invoke cloture just a few minutes ago.

I think this has been pointed out. The message of last November, I think, can be construed in a lot of ways. I think if you ask any two people out on the streets, you are liable to get three, four, or half a dozen answers from even two people. But I think there was no message that said we wanted to return a bill that is as important as this legislation.

I have said repeatedly that I believe that this is landmark legislation. We are literally changing, starting with this bill to make the first major changes in processes that have been in place in our Government for over the last 60 years, since the days of Franklin Delano Roosevelt. In those days the communities and States had lost control of being able to control their own destiny. Communities no longer were able to really do what had to be done to take care of the people in their communities. They lost control.

So for the first time the Federal Government came in and said, if States and local communities cannot do that, the Federal Government will play a role. So a lot of the programs that have developed over the last 60 years, many of which went to excess, many of which should not have gone to the excess that they went to—and I am the first to agree with that—but they filled a role that the States and local communities were not able to fill back in those days of the Great Depression. You remember the ''Okies'' heading west with the mattress on top of the car or whatever. Those States and local communities could not do the job. Did the Federal role then go too far? It may have; probably did.

This legislation is landmark in that for the first time now we say that we want to start putting some of those responsibilities back to the States and local communities. They are now able to do many of these things, and we do not need to do it from the Federal level. That is an enormous change, going in an enormous difference of direction.

While I am for this bill as a way of setting up a framework to say that we in the Congress, as a first step, are forced by our procedures here by a point of order to consider the costs up front and vote on it, if the demand is made, we will be forced to take cognizance of the costs up front. And then it does not say in this legislation that we have to furnish the money or the mandate will never be there. It says we have to consider it and have an outline of the money there to vote on it. And then we can even still say by vote of the Senate, yes, States, you do it; we are not providing one nickle. But it would be a conscious up-front acknowledgment of the cost and then the vote, and we would say, yes, it is going to be good for the future of this country, for everybody, and that is it. States still have to do it. But we would be forced to take this into account up front.

That has been carefully crafted in this bill. It means that we could no longer act as in the past where we just pass something and say, States, take care of it. We are sure you guys can handle it.

There are a lot of things now the States cannot necessarily handle. There are a lot of examples of that. I gave some the other day. I live in Grandview, OH, a suburb of Columbus, a part of greater Columbus. The mayor, who was chairman of the National Council of Mayors for a while, has done a real study in Columbus. They have estimated that just 14 major environmental mandates, between 1991 and the year 2000 will cost the city of Columbus $1.6 billion, not the biggest city in the country; $1.6 billion. Obviously, if you multiply that by all the different cities in the country, there is no wonder the mayors and Governors are concerned about this whole problem.

So the point I am making is it is a mammoth problem. We for the first time are reversing the trend of the last 60 years. And the point is we had better do this very carefully in making sure that as many of these problems as can be worked out with regard to this legislation had better be worked out in advance and right here on the floor and not under the pressure of a cloture vote that would cut off debate after 30 hours.

I do not think that is fair. I do not know what the majority leader's plan would be if cloture is invoked. But one of his options is to run 30 hours right on the bill, right around the clock, and that is it. What gets in gets in and what is not gotten in at that point is out.That might be the way he would do this. I would not want to see that kind of pressure brought on what I view as landmark legislation. We were denied in committee the right to make those changes. I think technically, from the Republican side, frankly, that was a mistake because it removed the debate to the floor and did attract amendments like flies to honey, as I said in the committee room the other day. That is what happened on this particular piece of legislation.

Unfortunately, when you go under cloture, you foreclose not just the extraneous amendments, but a lot of good amendments that might not be worked in during that time period of 30 hours, which is all that is permitted after the vote.

I do not want to delay this. I want to see this legislation get through. But after having lived 60 years with the buildup of things being provided from the Federal Government, I do not think it is too much to ask that we have the opportunity, for just a few

days, to make sure we work our way through this. If we do not have cloture, is it still in order for other amendments to be brought up—which I wish would not be brought up, too—but is it legal under Senate rules? Yes, unfortunately, it is.

Unless cloture has been invoked, the germaneness rule is not applicable in the Senate as it is in the House. It is the right of any Senators on the floor here to bring up whatever amendments they want to. I would rather work through it that way, even though we may have to deal with a lot of things that people consider are not germane to the bill. I would rather do that and make sure everybody is dealt with fairly and where everybody that has a legitimate concern about this bill has an opportunity to get their corrections and their amendments in. I would rather see that happen and take the extra time to do it, to make sure this landmark legislation, which literally is changing the direction or starting to change the provisions of what the Federal Government role has been over the last 60 years, is fully considered. We better do that very, very carefully, or we will find States and local communities out there still that are not able to cope with this. We will find that our first moves are not satisfactory at this. I want to do this carefully.

The rush, it seems to me, has been pushed by the fact that somebody set up an artificial 100 days to do great and wondrous things. It may be fine to try and match that to the days of the New Deal where they, too, had there 100-day priority that Roosevelt had back then. We are supposedly having another 100 days to reverse some of that.

I think we better be very careful with this, and that is the reason I did not support the move to filibuster.

I know the Senator from Arkansas has basically been waiting. I appreciate his yielding to me. I wanted to put that into context before we had any offers of other amendments.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Arkansas is recognized.

AMENDMENT NO. 144 TO AMENDMENT NO. 31

Mr. BUMPERS. If I may continue on what the Senator from Ohio was saying, I am not a signatory to the contract. I was not asked to sign it, and, of course, would not have signed it had I been asked. It does not apply to me. What applies to me is to do what I think is best for the country and to make certain that these bills are not rammed through here before people who have legitimate interest in them, and who want to improve them, have an opportunity to do so.

I have never seen a time when the Senate, for the most part, was not better served when it slowed things down and forced the Members of this body to think about it, rather than to do what was political.

Last night, the senior Senator from Maine came over and said, first of all, he did not know I was going to bring the amendment up. He said he was at home and did not know it was coming up. Let me say to the Senator from Maine and everybody else, I am not in the habit of calling people, particularly people I think are going to be opposed to my amendments, to tell them when I am going to bring up an amendment. Nobody has ever done that with me, and I do not do it to anybody else. The way this works is, you hang around here until legislation and amendments are offered, and if you have an interest in them, you go over and talk on them.

The Senator from Maine also talked about ''business as usual,'' ''gridlock,'' and that my amendment was ''nongermane.'' Let me make a couple of observations on that. Surely he has not forgotten that in the 103d Congress Democrats had to file, or vote on, 72 cloture motions—72.

Senator, after the Republicans brought this place to a standstill time and time and time again last year, and you won overwhelmingly on November 8, we decided we will try it if it works that well. Maybe in the election in 1996, people will reward us.

Mr. COHEN. If the Senator will yield, I assume the Senator from Arkansas is saying he is going to engage in the delaying tactics you think brought victory to the Republicans; is that what he is saying?

Mr. BUMPERS. I am saying that we have a perfect right to offer our amendments, and we are not going to be shut out if we can keep enough discipline to keep 41 votes in the saddle.

Mr. COHEN. I would agree with that. If we had a vote on cloture, the Senator's amendment would be ruled to be nongermane.

Mr. BUMPERS. The Senator from Maine and I both know that the germaneness rule in the Senate will take down almost any amendment. The Senator from Maine thinks my amendment is not germane. Let me just cover that for a moment. The Senator might want to be seated because I am going to wax eloquent here for a while.

Mr. COHEN. Well, he is going to wax.

Mr. BUMPERS. I am going to wax eloquent. I hope the Senator from Maine will pay close attention, because what I am talking about makes eminent common sense. Last night, somebody said on the floor of the Senate: ''Call your Governor and see how he or she feels about this mandate bill. If you call your Governor, your Governor will say: Please vote for the Kempthorne bill.''

I have a sequel to that: Call your Governor and ask him how he wants you to vote on the Bumpers amendment. All but about eight of them will say: Please, for God's sake, support the Bumpers amendment.

Every single Republican will vote the way their Governor wants them to on the first, and not one single Republican will vote the way the Governor wants them to vote on my amendment.

When it comes to gridlock, we are pretty good students. We have watched the other side bring this place to a standstill time and time again. I do not want to bring it to a standstill. I want to vote on this. But one of the reasons I am not for cloture is—and it is not just my amendment, there are other amendments that will make this a better bill—the debate might dress it up to the point that I would vote for it. But when it comes to germaneness, how many times have you heard Senators stand on the floor of the Senate and make these great speeches about what a terrible burden the Congress places on the States, cities, and counties? Here is an amendment that would help the States to fund those burdens. It does not require a State to do anything.

So what happened? Because the Supreme Court says this is a burden on interstate commerce which only Congress can authorize, the burden of collecting the tax now falls on the person who buys the merchandise. Forty-five States have laws now obligating consumers to pay taxes on merchandise bought out-of-state.

I think the State of Arkansas collected $10,000 last year. There is not 1/1,000th of one percent of the people in Arkansas that even know that bill is on the books.

In 1992, the Supreme Court said only Congress can permit a State to require out-of-State companies to collect the use taxes on goods they ship into the State. That was the case of Quill versus the State of North Dakota. The Court said, such a collection requirement no longer violates the due process clause and, although such a requirement imposes a burden on interstate commerce, Congress has the right to determine whether that burden will be allowed.

So if Congress wants to give the States the discretion—not the mandate, but the discretion—of requiring people who ship merchandise into their States to collect sales tax, Congress can do so. That is what the Bumpers amendment will do.

Last night, the junior Senator from Maine said, ''Let the States decide.'' She ought to support my amendment. That is precisely what I am saying—let the States decide.

Where are all these States righters now? Everybody is talking about what a terrible burden Congress imposes on the States, and here is an amendment that says we are going to give the States discretion. And this amendment will not get a single Republican vote—not one.

The sum of $3.301 billion is what the Advisory Commission on Intergovernmental Relations says this could give the States. This is the amount of money they could use to deal with landfills. I mean, after all, the 7,500 mail-order houses in this country contribute 3.3 million tons of garbage in

catalogs alone. There are places in this country where it costs $100 a ton to dispose of that stuff. And what is their contribution to the State? Not one thin dime. And it is not just 3.3 million tons of catalogs. It is also those packages that your merchandise comes in. That has to be disposed of, too.

This mail-order business is growing like Topsy—$100 billion a year. L. L. Bean in Maine is the second biggest mail-order house in the country, headed for $1 billion in 1995. I am not criticizing the Senator from Maine; if I were from Maine, I would probably be making the same speech he is making.

But let me ask you this simple question: What if, instead of $100 billion of retail sales a year, these mail-order houses represented about 50 to 70 percent of all the sales in this country and not one dime of sales tax or use tax was collected? How would you educate your children? Who is going to pay the policemen, the firemen? Who is going to take care of the landfills?

Wal-Mart, KMart, they have made their contribution, to the shuttering of Main Street. These mail-order houses are making their contribution, and they do not pay anything. And my amendment does not say they have to. It simply says, ''Governor, if you and the legislature think they should, you can have that right.''

That is what this amendment says. It is just that simple.

Mr. DORGAN. Will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield.

Mr. DORGAN. As I understand it, the Senator is offering a proposal that does not involve a new tax of any kind.

Mr. BUMPERS. The Senator is absolutely right.

Mr. DORGAN. The Senator indicated, when I walked in the Chamber, that the question of whether this is a taxable kind of circumstance is not changed by anything he would propose. If someone makes a major purchase from a mail-order catalog somewhere and that item is shipped to them, they have a responsibility, under most State laws, to pay a use tax. The fact is almost none of it is ever paid and almost none of it is ever collected.

As I further understand the Senator's amendment, he is not suggesting that a State must do one thing or the other. He would simply change the law to comport with the Supreme Court decision in the Quill case that says the State will have the opportunity. This is an interstate commerce clause issue and the States are now prevented from the opportunity of making their own decision. The Senator would simply remove that prevention and say, ''Give the States the right to decide.'' That is what I understand the Senator is doing.

I might say that I offered a piece of legislation like this in the House of Representatives when I was a member of the Ways and Means Committee. In fact, we voted it out of the subcommittee. Then it looked to me like it was snowing in July, because the mail-order catalog companies began blizzarding the country and Capitol Hill with postcards, sending postcards out, asking people to sign them and send them in saying, ''This is a proposal that would increase taxes.'' Of course, it was simply untrue. No one was proposing that, least of all myself.

So I understand, when you raise this issue, it has not snowed yet this winter in Washington, DC, but it may because literally millions of cards can be generated quickly by those who are engaged in this business.

My own view of it is they perform a real service and many of them offer some wonderful products and the American people ought to be able to take advantage of it.

I would only view it, when they come into a State to do business, that they simply be required to subscribe to the same kinds of burdens and obligations other people who are now doing business in that State must meet every day.

So I think the Senator from Arkansas is making some good points. And I do think that we need to underscore that you are not suggesting a new tax—that has nothing to do with this proposal—nor are you requiring or suggesting the States must do anything. Your proposal simply allows the States the opportunity to make their own judgments about certain tax obligations in cases like this.

I think the Senator's proposal is very worthwhile. I might suggest, if I were writing it—and I have written one in the past—a higher threshold than $3 million which, as I understand it, is the threshold. But that is a technical issue.

The fundamental issue the Senator is raising, I think, is right on point. I appreciate the fact that he is raising it today in the Senate.

I thank him for yielding to me.

Mr. BUMPERS. I thank the Senator for his comments. He was perhaps even more eloquent than I have been and said more concisely and clearly what I have been trying to say.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. KEMPTHORNE. I appreciate the courtesy of the Senator yielding to me. My question is only procedural. Would the Senator from Arkansas be willing to enter into a time agreement at this point, with time equally divided?

Mr. BUMPERS. Not yet. I am not trying to delay. I hope to be through here very shortly.I assume that the floor manager will wish to move to table. As I said, my design is not to try to impede the unfunded mandates bill. But 80 percent of the people who walk through that door when the rollcall buzzer goes off will not have a clue as to what this amendment is about in a sense that they fully understand. As the Senator from North Dakota has just stated, this amendment is discretionary. It does not require the States to do anything.

We have had 27 votes since we came back into session, and two Republicans defected on one vote. I do not expect any defections on this one. I am not anticipating a big vote. I am not anticipating prevailing, but this is an idea whose time, if it has not yet come, is coming.

The National Governors Association, the National League of Cities, National Conference of Mayors, and National Association of Counties, all have strongly endorsed this measure. I think we can conclude from that that we really do not care what people think unless it comports with what we think.

Now, Mr. President, last night, the senior Senator from Maine talked about what a burden this was. And I alluded to the fact that one of our very own Members, Senator BENNETT from Utah, was one of the founders of a business that ships catalogs of office supplies all over the country, over $200 million a year in business. When they started out they made a conscious decision to collect sales taxes for every State they shipped into that had a sales tax. He tells me that virtually one press of the computer button at the end of each month does the whole thing. They have never had a minute's problem with it.

Now, why would the States maybe want to do this? Forty-five States have a use tax right now, but it is on the consumer. If I bought a computer and it was shipped across State lines to me from a mail-order house, in 45 States I would be obligated to pay use tax on that computer. Most consumers do not know that, but now some States are beginning to enforce the use tax.

Let me show you something. Here in Indiana, some people are getting rather rude awakenings. People from the revenue department are knocking on their door and saying, we know that you bought something from Lands' End or whoever. You owe us the use tax on that out-of-State product. In 1993, 10,500 people in Indiana were assessed for unpaid use taxes; in New Jersey, 10,000 people; in Ohio, 7,100 people.

Some comment was made last night about Maine having this very unique thing on their tax return. Know what it is? I will tell you how unique it is. On your State income tax return in Maine it says multiply .0004 times your adjusted gross income and that is how much you will pay for mail-order purchases that you made last year. If I lived in Maine I would contest the constitutionality of that. I did not buy anything from a mail-order house last year so why should I pay the State of Maine a percentage of my adjusted gross income? Other States are doing different things to collect use tax to help them comply with all these terrible mandates we have been putting on them.

Somebody else says this is going to be a terrible burden on mail-order companies. I have already alluded to Franklin Quest, the company that Senator BENNETT started, and the fact that

Franklin Quest collects taxes in every State where they ship products. Look, I have about 50 or 60 catalogs here. This is a 1-week stock at my house. Here is Franklin Quest, Senator BENNETT's firm. Franklin Quest says, ''Add sales tax on the subtotal for all States except Alaska, Delaware, Montana, New Hampshire, Oregon, and Puerto Rico.'' Know why? Those States do not have a sales tax. So what does Franklin Quest say for the other 45 states? ''Add sales tax.'' Is that complicated? Of course not.

Here is CW. CW is located in North Carolina. They say, ''In California, North Carolina, New Jersey, and New York, add sales tax. In New York, add applicable sales tax to shipping and handling and express delivery charges, too.'' Complicated? Why, of course not. The reason they are saying add sales tax in those States is because they have a presence in those States. And that is all this amendment would do. If the State does not want to implement the legislation, it does not have to do so.

So, Mr. President, you must bear in mind, this is going to happen. It is just a question of when. The mail order business is burgeoning—L.L. Bean had a 17-percent increase in sales last year, whereas retail sales in the Nation were fairly static. You put all these mandates on the States and you say, ''We want a point of order raised on every issue as to whether or not we are fully funding this mandate,'' but I come in with an amendment on behalf of myself and Mr. GRAHAM, of Florida, Senators DORGAN and CONRAD, of North Dakota, Senator HARKIN, of Iowa—we come in here and offer a real bill to help States comply with mandates and they say, ''Well, that's not germane. It would be too big a burden.''

They say:

> Call your Governor and see how he wants you to vote on the mandate bill, but don't call him to ask him how he would vote on the Bumpers amendment. We don't want that. We want the Federal Government to belly up and pay all these mandates.

Mr. President, let me tell you, in closing, that I understand the concerns behind the unfunded mandates bill. I was a Governor in my State for 4 years, and we used to squawk continually about that bad old Federal Government, unless we were having a flood or a tornado. Did you see that cartoon in the Washington Post the other day, with the guy standing up on top of his house with flood waters up to the roof? Under the water you can see a sign in his front yard saying: ''Get the Government off my back.'' And he sees this boat from FEMA coming and says, ''Thank God the bureaucrats are coming.''

As I say, as Governor, Federal mandates drove me crazy sometimes. But I never hesitated to come to the Federal Government for help when I was Governor, and I usually got it. I am not one of these people who think Government is the root of all evil. Here is an opportunity for this place to stand up and do something responsible and reasonable and it will actually help.

I yield the floor, Mr. President.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Maine.

Mr. COHEN. Mr. President, the Senator from Arkansas kept at least part of his pledge. He waxed eloquent but not for his usual length of time. I am sure he has a lot more in store for us this afternoon, but I commend him for the enthusiasm with which he is pursuing his particular amendment.

First, let me clarify that this amendment is not about whether or not mail order purchases are subject to State sales taxes. They are. Every State, other than the four that have been mentioned, impose taxes on mail order purchases.

The issue at hand is the method by which these taxes are collected. Under the current law, States cannot force out-of-State mail order companies to collect taxes for them, and the reason is simple: There are over 6,000 different tax jurisdictions in the country, and once you account for all of the various State, county, local taxes, it would be absurd to expect mail order companies to know and understand every tone and nuance of these various 6,000 tax jurisdictions. Maine has a snack tax it imposes. I have a copy of the Bureau of Taxation document from the State of Maine. It is only a summary, but it takes some seven pages to explain just the exemptions. And every State has exemptions from their sales tax.

Here is the Maine regulation dealing with fruit baskets, for example. It says:

> Baskets or dishes filled with fruit or other grocery staples are not subject to tax. If the fruit basket is composed mostly of grocery staples, the addition of a minimal quantity of otherwise taxable items, such as a few small pieces of candy, does not affect the taxability of the fruit basket.
>
> If the fruit basket contains nonfood items of a significant value, the seller must either collect sales tax on the price of the basket, or else separately and reasonably account for the taxable and nontaxable portions and collect tax on the taxable items.

This is proposed amendment would certainly create a lot of work for tax lawyers and accountants who advise mail-order companies on tax provisions in Maine and every other State in this country.

So this is an example of what would happen if the Bumpers amendment were to become law. The problem is not the rate of taxation. It is 6 percent in Maine. That is simple enough to understand. The complexity is in determining what the tax applies to? And that is the kind of burden we would be imposing on all of these mail order companies. Are we going to expect a fruit basket company in California or Florida or Wisconsin to understand the intricacies of the sales tax, snack tax, of the State of Maine?

The mail order industry for years has said, ''Look, we are willing to work something out with the States in order to satisfy their problems.'' They simply ask that taxes be simplified so they collect one simplified, uniform tax and not be expected to hire an army of tax lawyers and accountants.

Second, I point out that about 30 percent of all these purchases through mail order are paid by check. So if the people involved incorrectly make out their check or miscalculate the tax due, the mail order company is put in a difficult situation. They then have to go back to the consumer and say, ''By the way, you miscalculated. Please send us another check.'' That would undermine one of the essential benefits provided by mail order companies—convenience.

The industry, as I indicated, and the revenue agencies in the States came very close to reaching an agreement in 1992. I respectfully suggest that they go back to the bargaining table to see if something can be worked out, but I think for the Senate to adopt this amendment would be a serious mistake. First of all, it is a tax bill. The Finance Committee has not held a single hearing on this issue—not this year, not last year or the year before. There has been no hearing before the Senate Finance Committee. As a matter of fact, I have a statement, which I will insert for the RECORD, from of the chairman of the Finance Committee where he indicates, ''Whether to require out-of-State companies sales taxes is a matter within the jurisdiction of the Senate Finance Committee.''

The chairman of the Finance Committee urges that we oppose the amendment offered by the Senator from Arkansas, at least until such time as the Finance Committee has an opportunity to examine this with some scrutiny.

I ask unanimous consent that the statement of Senator PACKWOOD be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COHEN. I think it would be wrong and inappropriate for the Senate to pass judgment on an important matter that I believe deserves at least full-scale hearings before the Senate Finance Committee.

At a time when we are trying to put the brakes on the onslaught of regulations, the Bumpers amendment would in fact bring a new regulatory scheme on mail order companies. There is something in this particular amendment that caught my eye. Under this amendment, States requiring mail order companies to collect out-of-State taxes would be required to set up a 1–800 number.

It sounds to me like another unfunded mandate. And that is what we continue to do here. This is supposed to be a bill to reduce unfunded mandates. Yet this amendment appears to contain its own unfunded mandate.

The notion that mail order companies attract customers because they offer some great tax shelter is incorrect. I do not think people buy from L.L. Bean because they offer a great way to avoid taxes. They buy from L.L. Bean because they get a great product. They have great service. You call up and order something, or you mail in your order and often within 48 hours you have your product. They have a return policy that if you have a product you think is defective, whether you find it defective in 30 days or a year or 2 years or 5 years, you can return the product and have it replaced, no questions asked.

That is why L.L. Bean is so well renowned. That is why it is one of the biggest mail-order companies in the country. And that is why people order; not because they can buy a sweater from L.L. Bean and avoid taxes. As a matter of fact, if you buy a sweater and you have to pay the shipping and the handling charges, it will exceed any taxes you could save if you were inclined to avoid them. For the Senator from Arkansas to say only about 1 percent of the people of Arkansas even know that they have to pay a tax when they buy from out of State, the answer is why do we not simply educate the people or impose a collection mechanism like the State of Maine has where there is a presumptive amount of tax, based on your income?

Mr. BUMPERS. Will the Senator yield for one observation?

Mr. COHEN. Please wait until I finish my statement, and I will.

Now, I know that the Senator last night was bemoaning the plight of small shops on Main Street America.

I might say that what has probably done more damage to those shops on Main Street America is Wal-Mart. If you want to hear complaints from people about what has happened to mom-and-pop stores on Main Street, be it Bangor, ME, or elsewhere, look at Wal-Mart.

I do not fault Wal-Mart. I think they provide great benefits for consumers. We have one in Bangor, in Portland, and elsewhere. They do a very fine job. But they put many small businesses out of business. I simply want to make the point that this amendment is not about defending small town America or small mom-and-pop shops.

In her own statement to the Small Business Committee last year, a spokeswoman for the International Council of Shopping Centers, supporters of the Bumpers bill, said that retailers were happy to collect sales taxes because they ''realize that these sales taxes play an important role in financing important State and local services on which the shopping centers rely.''

So I would say, if fairness is going to be the issue, is it really fair to ask a company some 3,000 miles away to collect another State's taxes? Some would say no. The mail order industry, to its credit, however, has never said no. As I have pointed out, they have said: We are willing to reach an agreement with these State collection agencies, but let us make it a reasonable agreement. Do not expect us to calculate all the taxes and have different taxes and different exemptions, and figure out what Maine means versus Vermont or Massachusetts or Arkansas or California or Wisconsin or elsewhere.

The Senator from Arkansas suggests that this is really a small business bill. Well, last fall the National Federation of Business, NFIB, polled its members on the issue and found that 67 percent of the members opposed forcing mail order companies to collect out-of-State taxes, and I think it is probably the best window that we have into the soul of small business in this country.

If they oppose the measure so significantly, it is difficult to see how you can portray it as being helpful to small business. But that is debatable, I concede. That is debatable.

What I think is not debatable is to bring this tax-related amendment up on this bill. It is not germane to the bill. The Senator from Arkansas is correct. He has every right to bring it up under the Senate rules. But, if the Democratic response to what happened last November is going to be to stall legislation and think that holds the key to a Democratic victory in 1996, I suggest the Democrats have misread what happened in the elections.

I think the people want action to be taken. I think they want to have less regulation. I think they want to see both Houses of Congress move as expeditiously as possible. And if the Democrats' answer is, well, we are just going to stall this thing right into 1966, then I suggest there may be far more Republicans elected in 1996.

The success of Republican candidates in November not because Republicans were stalling in the 103d Congress. There was significant disagreement with the health care proposals that were coming before the bodies of this Congress. There was substantial reaction to what they saw as a massive centralization of the health care system in this country. And they saw a drift among Democrats away from the center back to the left.

That, in my judgment, accounts for what happened in November. And so if the answer of the Democratic Party is going to be to just simply slow everything down, to come up with whatever amendment they feel is important, no matter how relevant or germane to the bill at hand, then I suggest we are going to see a lot more Republicans in 1996 in the Senate and House than we did in 1994.

Mr. President, I yield the floor.

EXHIBIT 1

STATEMENT BY SENATOR BOB PACKWOOD ON BUMPERS' MAIL ORDER SALES TAX AMENDMENT

Whether to require out-of state companies sales taxes is a matter that comes within the jurisdiction of the Senate Finance Committee.

The conflict in this area is between states wanting to collect revenue, local merchants, mail order companies, like Norm Thompson and Harry and David located in my home state of Oregon, and consumers.

However, the conflict does not include the federal government. The American people want less government and fewer federal regulations. The unfunded mandates bill is directed at just this.

Currently, states collect their own sales tax without interference from the federal government. Ten states collect these taxes from consumers through a separate line on their state's income tax form.

For example, the State of Maine has found an effective solution for collecting mail order sales taxes. It included a default provision for these circumstances. If a taxpayer leaves the sales tax line blank on their income tax form, then the state automatically adds an amount equal to the average tax owed on out-of-state purchases. Maine calculates this amount at 0.0366 percent of the taxpayer's income. In other words, a taxpayer making $30,000 per annum would pay a tax of $11.00.

Obviously states are fully capable of dealing with the collection of their sales taxes without the interference of the federal government.

For these reasons, I oppose the amendment of the Senator from Arkansas.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I come here today to express my opposition to the amendment offered by my colleague from Arkansas [Mr. BUMPERS].

I would like to begin by noting the irony of our current situation; namely, that as we attempt to relieve the burdens imposed on State and local governments, we very well may, unless we reject this amendment, end up using the same legislation to impose new mandates on job-creating businesses across our country.

Mr. President, the proposed amendment would allow States to require companies that mail goods to their States to collect taxes on those goods. Under my colleague's proposal, mail order businesses would be saddled with the immense burden of complying with multiple sets of procedures and regulations, different tax rates, and various filing requirements. And in those instances where a State allows a company to collect local taxes according to a blended average local tax rate, consumers, in many cases, could end up paying more tax than they actually owe.

Mail order companies are part of a growing industry. They serve people who like the convenience of phone shopping or who are unable to leave their homes to shop. They also offer rural and small town consumers an unsurpassed variety of goods, many of which are simply unavailable in smaller markets. This industry also affords small specialty businesses, like the Pleasant Co. of Middleton, WI, the chance to grow into successful big businesses. And growing mail order business like Swiss Colony and Lands' End, also located in Wisconsin, account for 5

percent of U.S. employment or approximately 5 million jobs.

The last time that this measure was considered by Congress, over 500,000 mail order consumers wrote in to voice their strong objections to this measure. They did so because they are tired of the ever increasing mountain of federally mandated paperwork and taxes. I believe that we need to heed their message and move in the direction of eliminating, rather than increasing these burdens.

Moreover, Mr. President, I note that my colleague's proposal has not been reviewed by the Finance Committee. At a minimum—and certainly without presuming to speak for either Chairman PACKWOOD or Senator MOYNIHAN—I would urge my good friend to work with the Finance Committee to achieve a considered resolution to this matter.

In closing Mr. President, it is said that the only sure things in life are death and taxes. This amendment represents both: taxes for consumers and certain death—crushed under a load of tax rules, regulations, and requirements—for many mail order companies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there be 20 minutes further debate on the Bumpers amendment, equally divided, and that will be controlled by the Senator from Arkansas and the senior Senator from Maine; that prior to the motion to table—and at the conclusion or yielding back of the time Senator COHEN or his designee be recognized to make a motion to table the Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, I must object to that at this point. Senator GRAHAM wants 10 or 15 minutes and I have 3 or 4 minutes of wrap-up I want to do.

Could the junior Senator from Maine give us some idea how much time she might wish?

Ms. SNOWE. Probably about 8 minutes.

Mr. COHEN. About 8 minutes.

Mr. BUMPERS. We would be willing to accept 20 minutes on our side and 8 minutes for her, which would be 28 minutes.

Mr. KEMPTHORNE. Mr. President, I again submit my unanimous-consent agreement: That we have 30 minutes, 20 minutes on the Democratic side and 10 minutes on the Republican side, at which point then Senator COHEN will be making a motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Who yields time?

Several Senators addressed the Chair.

Mr. COHEN. Mr. President, I yield 8 minutes to the junior Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I think the amendment pending before the Senate today is an example of why we should have invoked cloture, because it is nongermane to the pending subject of unfunded mandates.

As has already been mentioned during the course of this debate, this nongermane amendment has not had a hearing from the committee that rightfully would consider it and is responsible for tax legislation—that is, of course, the Finance Committee. There was one hearing on this issue in the last Congress that was held in the Small Business Committee.

Last night I joined the Senator from Maine [Mr. COHEN] in opposing this amendment because it not only oversimplifies an issue that should be properly discussed and analyzed by the Finance Committee, but it also disregards the true balance that exists between the mail order companies and local businesses with the already tested options and the viable options that are available to States and mail order companies, and certainly the options that have been pursued already by the State of Maine.

There is nothing that precludes any State in America from collecting these taxes. We have already demonstrated that in the State of Maine. Taxpayers in the State have a choice. They either can pay a flat tax percentage of their income on their income tax return, or they can pay for the specific tax on their out-of-State purchases.

No one questions the veracity of the citizens of the State of Maine with respect to submitting that information on their income tax return. In fact, it is interesting to note that in the last 2 tax years in the State of Maine, we have collected more than $3.5 million on sales from out-of-State mail order companies or other kinds of purchases from other companies. So it can work. And it has worked. And it can work for other States as well.

What will be the impact of the amendment offered by the Senator from Arkansas? We have already held it is certainly going to exact more costs to companies. They will be required to contend with 46 sets of procedures and 6,000 different tax jurisdictions throughout the United States that will result in 6.5 times greater costs to the mail order companies in order to comply with this amendment. Who is that fair to? Should the consumer be denied a choice in ordering from a mail order company? No. I happen to live in a very rural State. People like to have choices in rural districts and they certainly should not be denied that choice. In Maine, taxpayers pay for those purchases by, again, placing it on their income tax return.

So it is not only going to result in more costs to the mail order companies, it is certainly going to result in lost jobs because of the increased costs in terms of compliance and increased cost in taxes.

Some have suggested a blended tax rate. Who is that fair to, since many of the taxpayers then will have to pay a higher tax rate and some a lower tax rate than they would already be required to pay? The industry has worked in the past, as Senator COHEN mentioned—they had worked out a tentative agreement. I think we should encourage such an agreement between the mail order industry and their associations and tax administrators and the tax commission, so that we can encourage that kind of resolution to this issue that would be fair and not onerous and not be applying greater costs in terms of taxes and administrative burdens on the mail order companies. That is only fair.

This is a very complex issue. It does deserve the benefit of consideration, of hearings, and of different perspectives. It certainly is going to result in more costs to the mail order companies. In fact—we have mentioned L.L. Bean. Their compliance costs alone would be at least $500,000 in order to hire additional workers for administrative, legal, and accounting costs.

So I do not think in the final analysis this benefits anybody. It does not prevent States right now from collecting this kind of tax.

I hope my colleagues here in the Senate will reject such an amendment because this deserves more consideration than this issue has been given here on the floor, in terms of the ramifications for not only the companies but also the consumers who live in the various States, who choose to make their purchases through mail order companies.

So I urge the defeat of this amendment and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I yield 12 minutes to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the statement has been made that this is not a germane amendment. I suggest to the contrary, this goes to the very essence of why we are concerned about unfunded mandates. The basic concern is that the Federal Government has been imposing financial responsibilities on State and local governments without providing the means by which those responsibilities be discharged. What this amendment speaks to is enhancing the capacity of State and local governments to deal with those very responsibilities.

It is particularly germane in the context of what I think is going to be a surprise and disappointment to many of the supporters of this bill, of which I am one. That is that the legislation before us only deals with actions which will occur in the future. Those Governors and mayors and commissioners who have calculated the current cost of unfunded mandates to their States, to

their communities, run the potential of having unrealized expectations if they think we are about to do something in this bill that is going to lower that current cost of current mandates.

What we are doing with this amendment is providing some revenue to State and local communities so they can discharge their responsibilities, including those responsibilities which we have in the past imposed upon them without funding and for which we do not have any intention to provide funding under this legislation.

This goes beyond, however, an issue of appropriateness to some issues of basic fairness. A constituent of mine in Bonita Springs, FL, is named Joyce Maloney. In 1994, at the hearing before the Small Business Committee that was alluded to a few moments ago, she testified and she talked about one aspect of unfairness. She talked about how when she had moved into her new home in Bonita Springs, she and her husband wanted to buy some furniture and they went down to the local furniture stores, they looked at the furniture, looked at the prices. Then someone called them up and said, ''Could I come out and see you about possibly buying your furniture through a mail order house from out of State?''

In the course of making his presentation on the furniture he indicated to them that, ''Since the furniture was to be delivered to our home in Florida, no sales tax would be applied to the sales. Beside that, he told us, the delivery charge which you are paying will offset the sales tax that you will not be required to pay.''

Of course he was defrauding Ms. Maloney because she was responsible—not for a sales tax but for its exact equivalent, the use tax, upon her receipt.

In fact, she ended up being one of the people that the Florida Department of Revenue contacted about unpaid use tax on this large furniture order. Ms. Maloney received a bill from the Florida Department of Revenue for $226.26 for unpaid use tax. She was misled. She not only was taken away as a potential customer from the local business, but she ended up having to pay a tax, a use tax, the equivalent of a sales tax, which she had been led to believe would not be her responsibility.

I will just quote, before submitting for the RECORD the full text of Ms. Maloney's concluding paragraph:

> Mr. Chairman and members of the committee, it is time to correct this situation and bring about truth in the marketplace. I have no problem in paying sales tax that is due on any purchase I make. But what I despise is receiving inaccurate and fraudulent information regarding my obligation to remit sales taxes. It is time to shift the sales tax remittance burden from the consumer to the retailer so that everyone plays and pays by the same rules.

I agree with Ms. Maloney.

Mr. President, her letter also indicates the other major area of unfairness, and that is unfairness to the local retail community. It is very difficult for the small business person, whether they are selling furniture in Bonita Springs or whether they are selling men's garments in Hot Springs, AR, to compete when your competition starts by being able to sell 5, 6, or 7 percent below you because they are not being required to collect and remit the sales tax.

Why we would countenance a system that would allow that degree of inequality and unfairness in the marketplace is beyond me, except I know why we did it up until 1992. We did it because there was an assumption that under the U.S. Constitution, test of reach of one State to assess tax in another, it was unconstitutional and unconstitutional in a form that was not susceptible to remedy for a State to require an out-of-State mail order house to remit sales taxes on items sold.

But in 1992, in the case of Quill Corp. versus North Dakota, the Supreme Court held that States may not require out-of-State companies to collect use tax because to do so would impose a burden on interstate commerce. But the court went further by saying that Congress could authorize such a burden on interstate commerce, and that if it did so, States would then be allowed to make such collection.

So it has been since 1992 that the U.S. Supreme Court has extended to us the opportunity to do what Senator BUMPERS proposes that we do today. I hope that we will follow his leadership; that is, to authorize States, if they choose to do so, to utilize this new authority to apply their sales taxes to sales made by firms which solicit business within a State which mail items into the State but which today are not required to collect and remit the sales tax on those items.

Mr. President, this is not an insignificant issue. Senator BUMPERS has distributed the estimate of the Advisory Commission on Intergovernmental Relations on what the total potential additional revenue to the States and local communities would be from mail order sales using 1994 numbers. In my State of Florida alone, it is estimated that $168.9 million of sales currently is not subject to our State sales tax because they are sales from out-of-State mail order houses selling into the State of Florida. That $168 million would go a long way to funding the mandates that the Federal Government has made on the State of Florida and its communities, for which there will be no compensation under this legislation; $168 million would allow the State to better meet those standards of expectation which the Federal Government has set in transportation, in law enforcement, in environmental protection, and in a whole array of areas in which we have seen fit to impose these burdens on States and communities.

I believe that this is an extremely important and germane amendment. It speaks to fundamental issues of fairness and to our responsibility as the Federal Government to treat fairly our partners in government at the State and local level, and more importantly, to treat fairly our citizens, citizens whether they are the small merchants trying to survive in an increasingly competitive market or whether they are the misled purchasers, the Ms. Maloneys of America, that they would also be treated fairly.

This will provide to our communities a greater capacity to be able to accept the obligations that we have forced upon them in the past, and will continue to apply to them whether this underlying legislation is adopted or not.

For those reasons, Mr. President, I commend the Senator from Arkansas for his commitment, his wisdom, and his tenacity in advocating this position. I urge my colleagues to follow his leadership.

Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. First, Mr. President, let me thank very sincerely my distinguished colleague, Senator GRAHAM, for his very fine statement, very accurate statement, and very heartfelt statement. Like me, he is a former Governor. He understands precisely what we are talking about.

Mr. President, I ask unanimous consent that Senators GRAHAM, DORGAN, CONRAD, and HARKIN be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, let me address one of the things the Senator from Maine, Mr. COHEN, said about 6,000 different tax jurisdictions in the country. Our bill would involve only 45 different tax rates because it provides for a blended rate within each state.

As for the exemptions on food, which the State revenue department of Maine told the Senator would be an impossible chore, I want to point out to you that I believe the biggest seller of food by mail order houses in the country is Harry and David. They ship fruit and they ship nonfood articles. What do they say on their order form? ''Please add sales tax. See page 2.'' Page 2, ''Sales tax information. We collect State and local taxes on all nonfood items delivered to the following States.''

Then they have stars and asterisks, and so on. They have about 30 States listed here. Then, down below, it says, ''These States also require sales tax on all candy items.'' Illinois requires 1 percent tax on all food items. Then there is a pound mark. ''These States require sales tax on all items.''

If Harry and David can handle it with one hand behind them, why is that such a big impediment?

The truth of the matter is that is just another smokescreen. The truth of the matter is, there is absolutely no trick to it. Otherwise, dozens of companies would not be doing it. If the Boy Scouts of America can collect sales tax

on their catalogs, surely L.L. Bean and Lands' End can.

Then, Mr. President, bear in mind, there are 7,500 mail-order houses in this country. My amendment would exempt all with sales less than $3 million a year. So there are no mom-and-pop operators that are going to suffer under this amendment. How many does that leave? It leaves 825, and 6,675 are exempt under my amendment. We have a 1–800 number for every State revenue department so any catalog house that has any question can call toll free to the States and find out what they are supposed to do, if they have any question.

The Senator from Maine has very appropriately raised the question about what Wal-Mart—which he knows well is in my home State. We are proud of them. We have a lot of billionaires in Arkansas, and we are proud of every one of them. But I will tell you what Wal-Mart does. They collect sales tax. They collect sales taxes that go to the local schools and other purposes. Their sales in 1994 were over $100 billion, and they collect sales tax on every dime of it. You see, Wal-Mart alone does about the same amount of business that all these mail-order houses do. And the big difference is Wal-Mart is a good citizen, collecting taxes to keep the schools going, to keep the fire department going, to keep the police department going, to keep the landfill going. And many mail-order companies collect nothing.

It is an elemental question of fairness. I have letters from all over the United States. Here is a woman I happen to know, Debbie White, Benton, AR. It says: We have ''a small retail furniture business. I have personally lost individual sales in my area for $15,000 to $20,000. They go out of State. They come in here and pick out what they want and they go to the catalog and order it. We support the schools. We have the merchandise here that they can feel and touch. We carry a big inventory and we employ nothing but Arkansas people. We lose thousands of dollars of business every year to people who pay nothing.''

Here is a letter from a little 75-year-old woman in Portland, TN, Mr. President: ''I buy several hundred dollars' worth of mail-order merchandise per year. I am 75 years old and can no longer drive to the city to shop.'' She said she knows there are a lot in her situation. ''Since I have always tried to be a law-abiding citizen, I added up all my records—because the other day I found out that our State has a tax that I am supposed to pay on anything I buy from a mail-order house.'' She said she once ordered many Christmas gifts through catalogs. She said, ''I believe it is the duty of the mail-order companies to collect sales taxes due just as other stores and grocers do. Modern computers certainly make it easy for them.''

Here is a letter from a man in Hilton Head, SC. Just briefly, paraphrasing, he says: ''We bought thousands of dollars' worth of North Carolina furniture to furnish our new home in South Carolina because we were told if we bought it in North Carolina and had it shipped in, we would not have to pay any sales tax. So we went up to North Carolina and bought all this merchandise and what happens? Four years later, we got a letter from the South Carolina Department of Revenue, saying we have to pay sales tax on this, and because of the penalties, it cost us $700.''

I ask unanimous consent that all three of those letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WHITE FURNITURE CO.,
Benton, AR, January 19, 1994.

Senator DALE BUMPERS,
Dirksen Building–229,
Washington, DC.

DEAR SENATOR BUMPERS: I want to make you aware of an unfair tax situation that has been occurring for years in the furniture business. For quite some time we tried to ignore this, but when you see or hear the results every day of the week you have to finally stop and take notice.

My family has a small retail furniture business in Arkansas. We have paid taxes in the same small town for years. Now we have customers who are being educated by advertisers to shop their local retail stores for model numbers and prices—then call North Carolina and order and avoid paying our state sales taxes.

I have personally lost individual sales in my area for fifteen to twenty thousand dollars. We have found that the larger sales are the ones that people do out of state because of the high percentage of tax.

I'm not crying about the prices; I would just like to have a level playing field. We service our clients with free delivery; we furnish the showrooms where they can touch and feel the merchandise; we finance the merchandise locally, and we employ Arkansas people to sell and deliver the furniture.

Last year NBC did a travel segment and, on over 200 stations across our country, showed people how to take their vacations in North Carolina, shop while they are there and save enough in sales tax to pay for their vacation. Then CBS did a week long special on ''Good Morning America,'' devoting one day to furniture, one to cars, and another to clothes, etc.

I don't know about the other 49 states, but I do know that our state could use the revenue from those lost sales taxes for our schools, roads, and local government.

I will be proud to support you in any effort you can make to help our state collect these unpaid taxes.

Thank you.

DEBBIE WHITE.

PORTLAND, TN,
September 8, 1994.

Senator DALE BUMPERS,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: When I moved from Nashville to a small town a number of years ago, I discovered the convenience of mail-order buying. I buy several hundred dollars worth of merchandise per year. I am 75 years old and can no longer drive to the city to shop. I know there are probably thousands in my situation.

Several months ago I heard on our local news that people purchasing goods from mail order catalogs must pay State sales and use tax on these items. That was news to me. I, and I know many others, have always thought that merchandise purchased outside our state was not subject to sales tax unless such a vendor had a store within our state.

Since I have always tried to be a law-abiding citizen, I added up from my records all purchases made in recent years, figured the sales tax, and mailed a check to the State Department of Revenue. But what about those many people who still do not know they are liable for these taxes? This situation makes it unfair to those who are paying.

I once ordered many Christmas gifts from catalogs. Now I am inclined to send money to my out-of-town relatives, avoiding the hassle of tax-record keeping.

I believe it is the duty of mail order companies to collect sales taxes due, just as other stores and grocers do. Modern-day computers certainly make it easy for them.

I understand you are working on legislation to correct this situation. I hope you will succeed.

Sincerely yours,

MAMIE R. WILLIS.

HILTON HEAD, SC,
September 12, 1994.

Hon. DALE BUMPERS,
Chairman, Committee on Small Business, U.S. Senate,Washington, DC.

DEAR SENATOR BUMPERS: While on a trip to North Carolina a few years ago, my wife and I visited a furniture store to look for items for our winter home in Hilton Head, South Carolina. As you are no doubt aware, North Carolina is the furniture center of America. People come from all over America to buy furniture in North Carolina, drawn by word of mouth and various means of advertising.

As we shopped at one store in High Point, my wife and I found a number of furniture pieces that we were interested in buying. While considering the purchase, we were told by the sales staff that if this furniture were delivered to our home in South Carolina, no sales tax would be collected. This represented a savings of several hundred dollars, and became one factor in our decision to make the purchase. Subsequently, we concluded the purchase agreement, and the furniture was delivered to our home in South Carolina a short time later.

Approximately four years after making that purchase, we were surprised to receive a letter from the South Carolina Department of Revenue informing us that the furniture we had purchased in North Carolina was subject to South Carolina's use tax. (South Carolina had learned about the purchase when North Carolina audited the furniture company and shared the audit information with South Carolina.) In addition to the 5 percent tax, we owed interest and penalties because we had failed to pay the tax promptly. On our furniture purchase of some $10,000, the total amount we owed for tax, interest and penalties was approximately $700.

As you can imagine, we were shocked and upset at this news. We had no idea that we owed tax on this purchase. Like most consumers, we were accustomed to having sales taxes collected at the time of purchase, and it seemed odd to expect the customer to know when, where and how much tax to pay. And because the furniture salesman had told us that no tax would be ''collected,'' we assumed that no tax existed.

I am not complaining about the tax itself. I certainly do not enjoy paying taxes, but had we known about this tax at the time of purchase, it wouldn't have been so bad. In that case, we could have considered the tax

as part of the cost of the transaction and then made an informed decision about whether to make the purchase or not. Indeed, it's quite possible that we would still have bought the furniture. But we were blindsided. We were led to believe that there was no tax, then told four years later that there was a tax. That simply is not fair.

The worst part of this situation is that we were expected to pay interest and penalties. As I told the South Carolina Department of Revenue, I felt that this was particularly unreasonable since we didn't even know we owed the tax—and they didn't know we owed the taxes for four years. In the end, I won half the battle: they agreed to waive the penalties, but we still had to pay the interest.

I understand that the State of South Carolina cannot control what North Carolina merchants tell their customers. But the United States Congress can and should do so. I urge you to pass legislation immediately correcting this situation so that other consumers do not have the same bad experience we had.

In my opinion, you should require merchants who ship goods to other states to inform those customers that taxes may apply. The disclosure should be in writing, and the customer's signature should be required. Any merchant who fails to give the disclosure should have to pay 50 percent of any penalties or interest that occur. I believe this would discourage companies from failing to share important information with the consumer.

Thank you for the opportunity to share my thoughts with you on this issue. I hope that you will move quickly to ensure that other consumers aren't misled the way my wife and I were.

Sincerely,

JOHN DIX.

Mr. BUMPERS. How would you like to be Debbie White? She also sells wallpaper. How would you like to be Debbie White, paying State sales taxes, privilege taxes, every tax under the shining sun the State can impose on you, working just to keep your head above water, and have somebody walk in and take your time for an hour looking through wallcoverings, and they walk out saying nothing, and suddenly you realize that they saw this ad that said: ''Shop in your neighborhood, write down the pattern number, and then call us.''

Who here thinks that is fair? Or here, a boat company. I put a letter in the RECORD last night where a woman and her husband in the boat business in California spent all kinds of time and thousands of dollars trying to make a $250,000 boat sale. After spending all that money and time trying to sell this boat, the customer says, ''Thank you very much for your time, but we have just discovered we can go to Oregon and buy this boat and keep it out of the State of California for some prescribed period of time and bring it here and save ourselves $19,000.'' And here, what does this boat company's ad say? ''No sales tax added outside of North Carolina.''

Who here thinks this is fair? Not one. Not one. I would love to debate this, as I did before the National Governors' Conference last year. I think there were seven Governors in that room who objected to this—the Governor of Wisconsin and others who have big mail order houses in their states. This amendment, I promise you, will provide more relief, by far, to the States than the mandates bill ever will. The problem with the mandates bill is, by the time we debate a point of order on every single bill we pass in the future, that is all we will have time to do. You talk about gridlock. You wait until these points of order start being raised.

Mr. President, when Senator PRYOR and I were Governors, we used to condemn the Federal Government for its mandates. If I were Governor today, I would condemn the Federal Government for not passing this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Maine controls 4 minutes 3 seconds.

Mr. COHEN. Mr. President, I was intrigued with the comments made by the Senator from Florida. He indicated that this was an important subject matter. He said it was not an insignificant issue. I agree. That is precisely my point. This is not an insignificant issue. This is something that deserves a hearing before the appropriate committee.

He also said that $168 million in Florida is not subject to sales tax. I do not believe that is correct. It is subject to a sales tax. The State has a right to collect it from its citizens.

As my colleague from the State of Maine has indicated, 10 States now, since the Supreme Court decision, have adopted statutes that impose a collection burden upon their own citizens. Other states can do the same. It is not unreasonable to ask the States to educate their own citizens somehow, perhaps with a notice with their income tax forms saying ''If you have made purchases out of State, mail order or otherwise, a sales tax is owed.''

The Senator from Arkansas said, ''If Harry and David can handle the sale of candies and sweets through interstate commerce, why cannot everybody else?'' I say, what about Thelma and Louise? Harry and David may be able to do it, but maybe the smaller companies cannot. That is the problem with this approach. Again, this is why a thorough hearing before the Senate Finance Committee is necessary.

I quoted earlier from the Senator from Oregon, chairman of the Finance Committee. He said:

> Currently States collect their own sales tax without interference from the Federal Government. Ten States collect these taxes from consumers from a separate line on the State's income tax. Obviously, States are fully capable of dealing with the collection of their sales taxes without the interference of the Federal Government.

Mr. President, if Mrs. Maloney was defrauded, she has a legitimate complaint. But we ought not paint the entire industry with the same brush. No reputable mail-order company is out there willfully defrauding their customers.

But again, those are serious matters that deserve to be fully aired before any legislation is adopted. The Senator mentioned his testimony before the Governors' Conference, and I respectfully say to him he should bring his debate before the Finance Committee. That is the appropriate jurisdiction to argue the merits and equity and seek a proper resolution of this issue, not with an amendment to an unfunded mandates bill that we are currently considering.

For those reasons, Mr. President I move to table the amendment of the Senator from Arkansas and I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator yield back his remaining time?

ADDITIONAL COSPONSOR

Mr. COHEN. Before yielding back my time, Mr. President, I ask unanimous consent to add Senator DOMENICI to the bill that I introduced earlier this morning, the health care fraud bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I yield back the remainder of my time.

The PRESIDING OFFICER. Time has been yielded back.

Mr. COHEN. I renew my motion to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine [Mr. COHEN] to table the amendment of the Senator from Arkansas [Mr. BUMPERS]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—73

Abraham	Feinstein	Mikulski
Ashcroft	Frist	Moynihan
Baucus	Glenn	Murkowski
Bennett	Gorton	Murray
Biden	Gramm	Nickles
Bond	Grams	Nunn
Boxer	Grassley	Packwood
Breaux	Gregg	Pell
Brown	Hatch	Pressler
Burns	Hatfield	Reid
Campbell	Helms	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Jeffords	Shelby
Cohen	Kempthorne	Simpson
Coverdell	Kerrey	Smith
Craig	Kerry	Snowe
D'Amato	Kohl	Specter
Daschle	Kyl	Stevens
DeWine	Lautenberg	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Exon	Mack	Warner
Faircloth	McCain	
Feingold	McConnell	

NAYS—25

Akaka	Bradley	Bumpers
Bingaman	Bryan	Byrd

Conrad	Hollings	Pryor
Dodd	Inouye	Robb
Dorgan	Kennedy	Sarbanes
Ford	Leahy	Simon
Graham	Levin	Wellstone
Harkin	Lieberman	
Heflin	Moseley-Braun	

NOT VOTING—2

Johnston	Kassebaum

So, the motion to lay on the table the amendment (No. 144) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, let the RECORD show that we have now completed action on another nongermane amendment. We had a cloture vote at 12:15. So we have consumed half the day on a nongermane amendment. We have not had a germane amendment yet to this bill. We are on the fifth day. If anybody can tell me with a straight face that they are serious about passing this bill on the other side, then I would be happy to entertain such thought.

We are not getting anywhere with this bill. We are getting calls in our office from mayors and county commissioners and Governors: ''Why won't you pass this bill?'' I am prepared to pass the bill. We are prepared to listen to real amendments. We have not had any real amendments. Then we get some nongermane amendment and took an hour last night and 2 hours today—3 hours on an amendment that does not even belong on this bill.

So I guess the question is, are we going to have any real amendments or are we going to continue this game of nongermane, nonrelevant amendments just so we can eat up the time and suddenly just let this bill go away, I guess.

But, again, I urge the President of the United States, who supports this bill, maybe to call some of his colleagues and say, ''Why don't you pass the bill?'' The Governors want it, the President wants it, Democrats, Republicans. Why do we have to have 78 amendments? What is wrong with the U.S. Senate? Why can we not move?

My view is the American people, whether they are watching or not, know what is happening—nothing; nothing is happening. If it is not going to happen today, it is going to happen tomorrow, it is going to happen Monday. It is going to be late, late, late tonight, late, late, late tomorrow night, if we have to go through the amendments one at a time and waste 3 hours on a nongermane amendment. If we cannot get time agreements on some of these amendments, that is fine; we understand the game that is being played. The American people do not, but they will before it is over. This is day No. 5, and we have yet to have a germane amendment to this bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, with great respect, let me rise to clarify what I think the situation is. We had a Levin-Kempthorne amendment this morning. As I understand, it was germane. If people are now coming to the floor offering their nongermane amendments, in part it may be because they are worried about invoking cloture and again not having the ability to offer amendments, whether they are relevant or germane or not.

But I will say again to all of my colleagues that we are prepared to work through the pending amendments, maybe in some cases come to some time agreement, whittle away some of the amendments that may not be necessary. I have already been able to get an agreement from some of our colleagues that they will not offer some of the amendments that were on the list that I presented to the distinguished majority leader yesterday.

So let there be no mistake, this may be day five, but this was only the fourth or fifth amendment that we have had the ability to debate.

So I hope that we can continue to work away in good faith on these amendments. I hope that before the end of the day, we might again have another list which will give both the majority leader and myself the opportunity to see where we are realistically and certainly move ahead with this legislation. There is no one on this side who does not want a vote on final passage at some point on this bill. We simply want our ability to offer amendments and to raise legitimate concerns protected.

I hope we can work together to accomplish that. I know we can. And I hope that in the not-too-distant future, we can find an agreement and ultimately come to some meaningful conclusion of this legislation.

Several Senators addressed the Chair.

Mr. DASCHLE. I yield to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will propose maybe a different line here. Last year, we brought out S. 993, and for reasons we are all familiar with and I will not go back over again, we were not able to get it through last year. It was a good bill. We worked on it very hard. Senator KEMPTHORNE had taken the lead on that and did a terrific job in putting that together. I worked with him. We brought it out of committee.

We had 67 cosponsors, I will tell the majority leader. On S. 993, we had 67 cosponsors, and I think almost all those people would still be available if we proposed S. 993. That was supported by the big seven groups of State, local, and county officials, and so on. Under cloture, I guess there might be a germaneness rule against that only because our provisions in that bill for CBO had some additional requirements that S. 1 does not now have.

S. 1 was to be an improvement over S. 993, but what it does basically is it changes some of the ways the points of order are administered. But S. 993 is still a basic bill, a little simpler than this. It still would draw major support on our side. I would think we could get an early vote on that. Maybe that would be one option here.

Let me just add while we have the majority leader on the floor that I said in committee that I hope we could consider all these different things that would improve S. 1 in committee because when we got to the floor, it was going to draw amendments like flies. I did not know how true that was going to be.

But maybe going back to S. 993 would be a very rapid way to get out of this because we had 67 cosponsors last year. I doubt we would lose many of them now. I think we would gain back some of the people who are objecting to some of the procedures on S. 1.

Mr. DOLE addressed the Chair.

Mr. GLENN. I ask the majority leader's opinion as to whether we should go back to S. 993.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I do not have an opinion on that. I think we have a good product before us, if we could just move on it. S. 993 may have been good. This may be even a little better.

I think it is still a bipartisan effort, the last I understood. It was not a partisan effort. We do not want to make it a partisan effort, but we want to finish the bill. I want to propound a unanimous-consent request when the Senator from Ohio——

Mr. GLENN. I yield the floor.

The PRESIDING OFFICER. The majority leader has the floor.

UNANIMOUS-CONSENT REQUEST

Mr. DOLE. Mr. President, I made this request last night. Again, I will say generally it is just routine around here that we adopt the committee amendments. Any former chairman or present chairman knows that we adopt the committee amendments. Now and then—rarely—you get an objection. We are only on, what, No. 11, 5 days. We had to table some. Just to get action, we tabled some of the committee amendments.

So I ask unanimous consent that all remaining committee amendments be agreed to en bloc and treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object.

Mr. DASCHLE. Reserving the right to object. What is the pending order of business, Mr. President?

The PRESIDING OFFICER. The Gorton amendment No. 31, as amended, is the pending question.

Mr. DASCHLE. I suggest the absence of a quorum.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. A unanimous-consent request has been propounded. Is there objection?

Mr. BIDEN. I object.

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS addressed the Chair.

Mr. KERRY. The absence of a quorum was suggested.

Mr. DOLE. I suggest the absence of a quorum.

Mr. BAUCUS. Will the majority leader yield while I give a statement on another matter? Perhaps he can work this out while I give a statement on another matter, 10 minutes total? Thank you.

Mr. DOLE. Maybe you can talk some of your people out of objecting to these routine requests while we are at it.

Mr. BIDEN. Will the Senator yield for 2 seconds?

Mr. BAUCUS. I yield.

Mr. BIDEN. The reason I objected was I thought—more appropriately, I would like to reserve the right to object, but since the minority leader asked for a quorum call—I assume to talk with the majority leader—that is why I objected. I have no intention of objecting, if they can agree, and I would just like to point out, as back in the bad old days when I was chairman of the committee, this floor never agreed to the amendments from the Judiciary Committee on a bill.

So it is a practice that maybe we should establish, but in my experience in 6 years as chairman of that committee I can never remember one single occasion when I came to the floor where we routinely agreed to the committee amendments from the Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I first want to commend the majority leader, who I know is trying to get a very important bill passed, as well as the distinguished manager of the bill, Senator KEMPTHORNE from Idaho, who I think has done yeoman's work, a very good job of managing this bill, as well as the Senator from Ohio.

I think all of us in the Chamber know that this bill is going to be enacted, it is going to pass. I think all of us want it to be a good, solid piece of legislation, and in putting it together, I urge my colleagues, those on the other side of the aisle, to give Senators who have legitimate amendments time to offer their amendments.

It is a very important bill. It is very complicated. It is not at all understood. Speaking for myself, I could tell the majority leader that I support the underlying legislation and I think a lot of Senators do. We would just like to have legitimate time to get the amendments. This is not a filibuster to kill a bill. It is not a filibuster to kill a bill. It is just an opportunity to offer amendments so we can vote on final passage on a bill that is probably improved upon.

BRINGING MICRON TO BUTTE

Mr. BAUCUS. Mr. President, I rise today to pay tribute to the citizens of Butte, MT, and other Montana communities, in their efforts to bring Micron Technology, Inc., a major U.S. semiconductor manufacturer, to Montana.

Butte-Silver Bow County is a finalist for a $1.3 billion Micron manufacturing plant. The plant would create 3,000 to 4,000 jobs with an annual payroll of $200 million. Good paying, high technology jobs that would bring a better standard of living to both Butte and Montana. Micron would also propel Butte forward on its journey as a major U.S. technological center.

The possibility of Micron locating to Montana has banded the citizens of Butte together—in fact, the entire State together—in a very inspiring way. I wish you could see it, Mr. President. It has been exciting and heartening for me to experience and be part of the enthusiasm and vigor by which Montanans have gone after this golden opportunity.

For those of you who have never been to Butte—and I guess that would include most of you—Butte is truly a unique, all-American city. It is known throughout Montana as the Can Do City, and if ever a city in this country could do it, it is Butte.

There was a time, after the Anaconda Co. shut down its mines, that Butte was believed to be destined to join the many ghost towns dotting the Rockies. Yet, through hard work, loyalty, determination, and a very strong entrepreneurial spirit, the people of Butte-Silver Bow fought their way back.

They have made Butte a national center for the development, testing, and application of revolutionary environmental technologies. They are making the Port of Butte a major hub for intermodal shipping across the Nation. And they created a top educational institution—Montana Tech—voted by college presidents in a U.S. News & World Report poll as the top-ranked science program in the United States among smaller comprehensive colleges.

Newsweek has described Butte as the ''bright spot amidst the tumbleweed'' in the West and commended the community for ''engineer[ing] the most dramatic turnaround.''

See this poster behind me? The local newspaper in Butte printed it up so thousands, and thousands, of Butte citizens could hang it in their windows, displaying to Micron—and Micron, I hope you are watching this—their enthusiasm and support. And see this stack of papers? They are editorials and articles from all over Montana, written in support of Micron. Editorials have been pouring in on a daily basis.

Take the editorial from the Missoulian, for example. As the editorial board penned:

> The people of Butte are survivors proud and passionate about their community * * *. If Micron's managers have any yearning to be adored and supported by an entire community in their every endeavor, they will build in Butte.

Similarly, the editors of the Independent Record in Helena write, ''it is difficult to think of a town in the country that deserves as much admiration as Butte, a city that doesn't know how to quit.''

And the Billings Gazette board stated last week that ''Butte, MT, can offer everything that Micron seeks and more. It also offers an intense desire to attract companies such as Micron, to treat them well and to provide incentives for relocation.''

I think Daniel Berube, chairman and CEO of the Montana Power Co. in a guest editorial in the Montana Standard sums it up right: Butte is ''a good place to live, a good place to work, and a good place to raise a family.'' I strongly share his belief that there cannot be a better matched city for Micron than the city of Butte.

Like Butte, Micron based its phenomenal growth and success on the Western ideals of working hard and thinking big.

Like Butte, Micron has become a leader in its field, serving as a shining light for the rest of the Northwest.

And like Butte, Micron is preparing itself for the 21st century, while at the same time, maintaining the unique quality of life and scenic location found only in Montana and the Northwest.

I cannot think of a better home for Micron than in Butte. And I commend the community and the State of Montana in their efforts to deliver this message to Micron.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I must respond to this statement by the Senator from Montana. He is so correct in pointing out that Micron is worth attracting to your State. Micron is an outstanding industry, and I know that because Micron is located in Boise, ID, of which I was mayor for 7 years. There are a number of communities in Idaho that also are desirous of the expansion of Micron. So I commend my colleague from Montana. He knows something good. I just say that we certainly intend to keep an eye on it.

Mr. BAUCUS. Mr. President, I, too, would like to commend the distinguished manager of this bill, a former mayor of Boise, ID, home of Micron. We all are together. We very strongly support and are enthusiastic admirers of Micron and what they have done over the years. It is a good competition going on here to get Micron. The depth of competition indicates the quality of the company. And I just say to my friend, may the best city win. And we very much hope that Butte, MT, is the finalist in the plant location.

I thank my good friend.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 151

(Purpose: To exclude laws and regulations applying equally to governmental entities and the private sector)

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I would call up amendment No. 151.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. KERRY, Mr. LEVIN, Mr. LAUTENBERG, Mr. BUMPERS, and Mr. DORGAN, proposes an amendment numbered 151.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, and the following:

''(6) EXCLUSION.—For purposes of paragraph (1)(B), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

Mr. LIEBERMAN. Mr. President, I have called up this amendment on behalf of Senators KERRY, LEVIN, LAUTENBERG, BUMPERS, DORGAN, and myself. And I am pleased to say that this is a very germane amendment.

I share the very, very serious concerns that have been raised by officials of State and local government about the regulatory compliance and other burdens that have been placed on States and local governments by the Federal Government, by us. There is a problem here. It is a real problem, and we ought to deal with it.

Last year, there was bipartisan legislation, S. 993, reported by the Governmental Affairs Committee on which I am privileged to serve, which I thought adopted a balanced approach to addressing the justifiable concerns of State and local governments about unfunded mandates. We established the principle there that Congress must be forced to confront the costs that may be incurred by the State and local governments when we pass legislation, whether or not we have authorized funding for those costs. There must be an opportunity for the fullest discussion, if there are not funds provided in the legislation we adopt to cover the costs on State and local governments.

In other words, that kind of legislation should be subject to a point of order if there is not information about the costs. I think that was a very important principle that was established in S. 993, a very important response to a very real problem, a very constructive response.

I was pleased to be a cosponsor of S. 993 because it was all about knowledge and congressional accountability. But I regret to say that in my opinion S. 1, though it does some very good things, in one particular way—others as well—but in one particular way it goes too far. It simply takes a good idea and takes it so far that it creates a new, and I think very threatening presumption.

Under S. 1, if the bill, joint resolution, amendment, motion, or conference report increases the Federal intergovernmental mandate by more than $50 million in a given year, a point of order will lie unless there is a funding mechanism provided.

S. 1 also provides that if the funding mechanism is an authorization of appropriation for the full amount of the mandate, then the bill must designate a responsible Federal agency, and establish procedures for that agency to direct that the mandate will become ineffective or reduced in scope if the full amount of the appropriations is not provided in any fiscal year.

In short, the presumption in S. 1 is that the Federal Government will pay 100 percent of the cost of obligations imposed by the Federal Government on States and localities. If the legislation states that the Federal Government will pay the cost, the money must be appropriated or the agency must declare the mandate ineffective or reduced in scope.

So S. 1 is a much more extensive reach, a much different approach to the problem of unfunded mandates than that adopted in S. 993, which was reported out of the committee last year. That is why I say it takes a problem, unfunded mandates, and in its response reaches too far; and in doing so, creates an unintended—but I am convinced very real and inequitable—burden on private-sector entities, businesses that are affected by these mandates. And it also puts at risk a whole array of Federal law protecting the environment, people's health, people's safety, people's rights, that the public simply does not want to endanger, that the public wants us to continue to protect.

So under the mantle of dealing with unfunded mandates, this bill will have the consequence, I am convinced, of putting extra burdens on business, particularly small business, and in the process will create a hurdle that will impede the protection of people's environmental health, safety, and employee rights.

Let me say that in trying to separate out those mandates that uniquely place responsibilities on State and local governments, and for which we should feel a special obligation to pay the costs of those mandates, and those mandates which deal with a problem and in doing so place responsibilities—call them mandates—on public as well as private sources of that problem, we are creating a real inequity.

But let me say what this amendment leaves intact. It leaves intact in the underlying bill, S. 1, the requirement that Congress confront the cost of our actions. It may be when doing so, no matter how worthy the aims of the particular legislation, how protective it may be, how popular it may be, that Congress, Members of Congress, in our wisdom, will decide that it is not worth the cost. That is left in place in this bill.

Also left in place is the second point of order, with all the extra burdens, all the extra responsibilities on the Federal bureaucracy to pay for the cost of mandates, or cut back or terminate those mandates if they apply specifically to State and local governments.

The amendment is structured on a principle, and that principle is that if Congress requires other levels of government to perform governmental services, then Congress should pay the State and local governments to do that. The appropriate area for legislation is where States and localities are providing those governmental services, mandated by Congress, that Congress is unwilling to fund; responsibilities that are exclusively governmental, that do not apply to private industry or private citizens.

The purpose of the amendment is to assure a fairer partnership between those State and local governments and the Federal Government in carrying out governmental programs. In its report on S. 1, the Governmental Affairs Committee stated:

State and local officials emphasized in the committee's hearings . . . that over the last decade the Federal Government has not treated them as partners in the providing of effective governmental services to the American people, but rather as agents or extensions of the Federal Government.

But there is an enormously expensive governmental service obligation associated, still, with many of the programs covered by this legislation that our amendment would not affect. In fact, they are the big-ticket mandate items for States and local governments: Medicaid, AFDC, child nutrition, food stamps, social service block grants, vocational rehabilitation State grants, foster care, adoption assistance and independent living, family support welfare services, and child support functions. Those are all examples of programs where the Federal Government has put responsibilities on State and local governments, not on private entities. We essentially delegated a governmental responsibility from the Federal to the State and local governments. And those are mandates whose treatment would be left untouched by my amendment; whose treatment under S. 1 would be left untouched by my amendment.

For Congress to act to pass or reauthorize those mandates beyond the $50 million annually exempted, there would have to be the finding that Congress had put the money forth to pay for the State and local costs of those

programs or the point of order would appropriately lie and Congress would be tested to express its will. Governor Voinovich of Ohio has stated:

Many States cannot spend a greater share of tax dollars on education because new Medicaid mandates consume more and more of our resources. They account for 70 percent of Ohio's mandate costs, nearly $1 billion over 4 years. Medicaid was 19 percent of Ohio's budget in 1982. It represents one-third today.

So to me these are the most consequential, most costly mandates that we at the Federal level have put on the States. And those are the ones where we ought to have the process be forced to go through the extra hurdles in S. 1.

Senator BOND, our colleague from Missouri, at the hearing held on S. 1 this year said:

Unfortunately, the State [State of Missouri] projects that unfunded mandates will exceed $250 million. These are costs that have been documented with respect to specific measures. The Clean Air Act cost, in 1997, two-thirds of a million dollars; total environmental mandates are estimated only at $3.5 million.

I stop my quote from our colleague from Missouri here. Let me just emphasize that I think what many of us have been thinking about is the unfunded mandates, environmental particularly. As our colleague from Missouri said in his testimony before the committee, consumers put a relatively small burden—and as I will come back and argue, it is a fair burden because it is also one placed on private sources of pollution.

Then the Senator goes on to say the Carl D. Perkins Vocational Act cost the State $16 million in unfunded mandates, $16 million as compared to $3.5 million for total environmental mandates on Missouri. The Department of Social Services, as one would expect, Senator BOND says, was the big winner having the privilege of almost $130 million of a very limited budget to comply with Federal mandates. The Federal unfunded mandates survey for the National Association of Counties lists the most costly unfunded mandate as the Immigration Act. That is the type of mandate that applies specifically to State and local governments and the type of mandate for which we should be tested, forced to confront the costs, and go over the higher hurdle set in S. 1.

The city of Chicago survey of mandates listed airport restrictions, arbitrage rebates, and bond financing restrictions, as the most consequential to the city. I would distinguish these mandates from other so-called ''mandates'' which really are about the adoption of a law at the Federal level to respond to a problem—clean air, clean water, safe drinking water, fairness to employees, as in the Family and Medical Leave Act, where the source of the problem or potential problem is both public and private. This amendment would eliminate that inequity.

It exempts from the definition of a Federal intergovernmental mandate, as is in the bill, it is a very simple amendment with big consequences. It simply changes the definition of Federal intergovernmental mandate in the bill and exempts from that definition, for purposes of the requirement that the legislation must provide a funding mechanism for 100 percent of the cost to avoid the point of order, provisions which apply in the same manner to the State, local, or tribal governments and the private sector.

For example, suppose legislation requires that all incinerators limit emissions of dioxin to 12 parts per billion by the year 2000. That would apply obviously to both public and private sector incinerator operators. Under the amendment, the authorizing committee in its report is still required to state the amount—this is under S. 1 if the amendment were adopted—the authorizing committee in its report is still required to state the amount of any decrease or increase in funding whether the committee intends the mandate to be funded or unfunded and any sources of Federal funding. Under the amendment, the director of CBO would still be required to provide an estimate of the cost to State and local governments of this requirement having to do with emissions of dioxin that I have set up as the hypothetical here, and to state if those costs are greater than the $50 million threshold in the bill.

Under this amendment, if it is agreed to, the point of order would still lie if the committee report does not contain that estimate except as modified by the amendment of the Senator from Michigan which we adopted earlier today.

However, under this amendment, there would be no point of order if the bill did not provide a funding mechanism for 100 percent of the cost of compliance with this dioxin reduction proposal for the State and local governments.

Mr. President, this amendment covers only the situation where duties and obligations apply in the same manner to private sector and State and local governments. S. 1, in its current form, potentially, under its procedures, sets up a two-track process here between private and public entities and would exempt State and local governments from the environmental safety, employee rights, and environmental standards that competing private businesses must meet. So S. 1 would potentially result in a competitive disadvantage for private enterprises engaged in the same activities that the State or local governments are engaged in.

In the example I gave a moment ago, the burden would fall on the privately operated incinerator to spend whatever was necessary to reduce the emissions of dioxin whether or not Congress gave any help in meeting the cost of that upgrading but would not similarly apply to the publicly owned incinerator if Congress did not provide full funding.

Of course, the other consequence here, Mr. President, is that the application of S. 1 as it exists now would probably result in disproportionate risks to our citizens. I can tell you that the people living around that incinerator would not care whether it was publicly or privately owned. They want to be protected from toxins coming from the incinerator.

Let me give some other examples. Under S. 1, the bill before us, and in future legislation, State and local governments could be exempt from paying their employees an increase in the minimum wage or providing family and medical leave, requirements that all private businesses would have to meet. Publicly owned or operated incinerators could be exempt from air pollution standards while privately operated incinerators would be required to meet those standards. Publicly run drinking water systems might not have to provide pure water in the same way that private water companies would have to provide. Public universities and hospitals could be exempt from the requirements for handling radioactive wastes while private hospitals, including nonprofit hospitals, religiously supported hospitals and labs, would be required to meet those standards.

Cars owned by the State or local government could be exempt from requirements to run on cleaner burning fuels which apply to all other citizens of the State, not just to private businesses, but to everybody else in the State. States or local governments that operate schoolbuses could be exempt from safety requirements that would apply to buses operated by private companies. State-owned liquor stores could be exempt from standards of conduct that would be applied to privately owned and operated stores. States and municipalities could be exempt from requirements to retrofit or replace air conditioning units to remove CFC's while private entities would have to do that.

Certainly, Mr. President, we do not mean to say that there should be a presumption, if Congress determines a law is necessary to regulate safety, for instance, on school buses, safety of our kids, that they must also provide 100 percent of the compliance costs of publicly owned buses or else they do not have to meet that standard. The point here is that in adopting legislation which we have given—I think unfairly in this case—the pejorative term ''mandate'' for expressing a value, for setting a national goal, we are trying to protect people. I do not think that the people who sent us here want us to protect them any more from dirty air or dirty drinking water than from accidents of their kids on school buses. They do not want any lower level of protection if the source of those threats to their safety and well-being are from public as opposed to private sources.

Let me talk for a moment about the consequences of public health. It has been my honor to serve on the Environment and Public Works Committee,

and this is an area in which I have spent some time. And I am particularly concerned about the unintended, and I think undesired by the American people, consequences of S. 1 on environmental laws. When we pass a law, we have determined that the national interest requires that law to achieve a goal, that there is a problem out there that requires a national solution to protect public health or the environment. For example, more than 25 years ago, Congress determined that the basic principle is that the Federal Government should be the ultimate guarantor of minimum standards for clean water and clean air. And there is a rationale for that. It is not just a power grab by the Federal Government for the sake of having power. Environmental problems do not end at State borders. Dirty air and dirty water move. Only the Federal Government can ensure that an up-river or upwind city or State does not dump its pollution on downwind or downstream States or localities.

Only the Federal Government can ensure that one area of the country does not so lower its standards for clean air or clean water for the purpose of attracting business, for instance, to the detriment of its neighboring States. Federal pollution standards apply to all sources of pollution. It is obvious that you cannot solve the problem if you just apply a national solution to one part of the problem, whether or not the source of pollution is run by a public or by a private entity.

I can tell you that a family where the grandparents are suffering from emphysema do not care if the incinerator that is belching dirty air is publicly or privately owned or operated. They believe that the Government has an obligation to ensure that they have clean air. The parents whose child gets diarrhea from drinking dirty water does not care whether a public or private entity provided that water. They want the Government to ensure that the water is pure, regardless of who is providing that water.

During the last 25 years, the Federal Government, in fact, has chosen to provide billions of dollars to assist State and local governments in complying with some of these pollution control laws. I have fought myself for that funding and will continue to do so. But it seems to me that when we identify a serious national problem such as dirty air and dirty water, dirty drinking water, it is wrong to place a mandate on ourselves to say that if we are not able to pay for 100 percent of the compliance cost, that a State or local government can escape those pollution controls that apply to all other sources of pollution. If we took it to its extreme, it would take the concept that is generally accepted, which is that the polluter pays. We can turn it on its head and say we have to pay the polluter.

S. 1 could result in vastly different levels of protection for citizens throughout this country, or even within one State. Citizens living near or downwind from a publicly owned facility could be exposed to toxins emitted from an incinerator which could be exempted from pollution control standards, while citizens living near a private facility would be protected from those emissions because that private facility would not be exempt.

Let me talk about the competitive consequences I have referred to. Obviously, results like those I have talked about would put private entities at a competitive disadvantage. In a letter to our colleague from Idaho dated December 16, 1994, Browning-Ferris Industries, a waste management company, discussed some of the potential consequences of unfunded mandate legislation:

> The results would severely skew the marketplace in favor of Government rather than the private sector services, because the private sector would have to add in prices to its consumers for compliance with these various Federal rules that customers of the public sector would not have to pay.

The Environmental Industry Association, in a letter dated January 9, 1995, an association of a lot of companies that produce environmental cleanup equipment and are involved in the waste business, states this—and they support a lot of this bill:

> Notwithstanding provisions in the bill for parity of treatment between the public and private sectors for the purposes of analysis, there seems to be an inconsistency in actual treatment between the two sectors because the legislation subject to the point of order vote applies only to the Federal intergovernmental mandates and not private sector mandates.

This is the Environmental Industry Association Business Group:

> We respectfully restate our basic concern that to exclude State and local government—but not the private sector—from the costs of compliance with providing goods and services where both sectors compete would be both unfair and unfaithful to the core principles of the Job and Wage Enhancement Act— art of the contract for America—of which S. 1 is the first piece.

Those are strong statements from private sector entities who fear exactly the disproportionate burden that this amendment of ours would eliminate from the bill.

Mr. President, the unintended consequences of the legislation, in fact, and ironically, may be to encourage an expansion of Government, which is exactly the opposite of what the people supporting this in its current form want. Government could be motivated to contract out fewer services to private industry because the cost charged private industry probably would be higher.

This issue was highlighted for me by the National School Transportation Association, which represents the portion of the familiar yellow or orange school bus fleet operated by the private sector which is about a third of the Nation's school bus fleet. Presumably, those school districts which have contracted out this function have saved money. But in a letter dated January 10, 1995, the private operators point out that one of the consequences of S. 1, the legislation before us, may be to remove the incentives for school districts to contract out for those services, because by keeping the services in-house, the costs of compliance with various Federal requirements can be avoided. The letter states:

> Such an outcome would be sharply at odds with the burgeoning wave of privatization that is realizing, for financially strapped school districts, significant savings and could disrupt the level playing field for our industry that has worked so hard over the past decade to achieve these advances.

Mr. President, I ask that the full text of two letters from the National School Transport Association be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL SCHOOL TRANSPORTATION ASSOCIATION,
Springfield, VA, January 10, 1995.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: The National School Transportation Association, representing the nation's owner-operated yellow school bus fleet, applauds your leadership efforts on the unfunded mandates legislation. We are heartened that this session's legislative vehicle contemplates analysis by the Congressional Budget Office (CBO) of regulatory and fiscal impacts on private industry as well as state and local governmental entities. This is a critical provision which must be included in any final legislation if the Congress and the American public are to be fully apprised of the consequences of new federal requirements.

As the debate moves to the Senate floor and the impacts on private industry competitiveness are assessed, we wanted to bring to your attention concerns of the school transportation industry which reflect those also presented you by Browning-Forris Industries and others. NSTA members operate in all fifty states and in total operate some 110,000 buses constituting about one-third of the nation's yellow school bus fleet. School districts have come to realize significant operational cost savings by contracting out pupil transportation services. We are fearful that one unintended consequence of the legislation may be to remove incentives for school districts to consider contracting for these services if by keeping such services in-house the costs of compliance with various federal requirements can be avoided to some degree.

Such an outcome would be sharply at odds with the burgeoning wave of privatization that is realizing for financially-strapped school districts significant savings, and could disrupt the level playing field our industry has worked so hard over the past decade to achieve. We urge that attention be given to this concern as the debate proceeds. At the very least, any CBO analysis should also include some assessment of impacts on present and future competition for provision of services. If local governmental entities, such as school districts, are to be absolved of responsibility to comply with new federal requirements, then certainly equity and competition demand that like treatment be extended to the private sector.

We stand ready to work with you and your staff on possible remedies to this problem.

Please feel free to contact Peter Slone at NSTA's governmental relations firm, Gold & Liebengood, 202/639–8899 and he would be pleased to provide further assistance. NSTA remains hopeful that this legislation becomes the law of the land and that these unintended consequences can be avoided. Thank you for your careful attention to this issue.

Sincerely,

NOEL BIERY,
NSTA President.

NATIONAL SCHOOL TRANSPORTATION ASSOCIATION,
Springfield, VA. January 17, 1995.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR LIEBERMAN: The National School Transportation Association (NSTA) applauds your efforts to bring common sense and equity to the debate on unfunded federal intergovernmental mandates. In particular, NSTA enthusiastically supports an amendment you intend to offer which would ensure that nothing in the procedural and fiscal protections established by the bill have the effect of limiting the ability of private sector service providers to compete for the ability to meet the needs of many state and local governmental entities such as school districts.

NSTA is the national trade association for the owner-operated component of the nation's yellow school bus fleet. We have been a leader in advocating safety advances and make a significant contribution to the nation in helping transport some 24 million school children each day. The State of Connecticut has a long tradition of contractor-provided school transportation services with over 90 percent of that state's yellow school bus fleet owned and operated by a host of transportation providers, many of which are small businesses. By contracting out such services, school districts have come to realize more cost-effective and reliable service. Today, NSTA members operate some 110,000 school buses in fifty states.

We are fearful that if the effect of the legislation under consideration is to scale back to some degree the need for school districts to comply with important environmental, workplace, safety and other new federal requirements, then our nation's school children may well be imperiled. Further, by subjecting school districts which operate their school bus fleets to a lesser standard than their private sector counterparts, the Congress would in effect establish a dangerous double standard and remove incentive for privatization of those services. At a time when many school districts are financially-strapped and facing further budgets curtailments, we should promote rather than impede their ability to contract for services where savings could be realized and safe and reliable service ensured.

Thank you for your leadership role on this important competitiveness issue. We are hopeful that through your thoughtful persistence the nation can avoid unintended consequences from this legislation which raises serious safety and fair market competition issues.

Sincerely,

NOEL BIERY,
NSTA President.

Mr. LIEBERMAN. Mr. President, at the same time, by exempting the smokestacks and discharge pipes operated by State and local governments from complying with future environmental standards, S. 1 would force a wide range of businesses to bear even more of the burden to meet overall clean air and clean water goals. For example, if publicly owned incinerators or landfills do not reduce emissions contributing to smog, carbon monoxide, and particulates, private sources of pollution would have to do more in order to meet the cleaner environmental goals.

Let me illustrate, if I might, in a little greater detail how this legislation could hurt private businesses. States and businesses advocate water pollution laws that establish an overall pollution loading limit for individual bodies of water. That has been something that the sources of pollution, potential sources, have asked us to do. We have done it. This is based on the notion that each body of water is best managed for cleanup based on a scientific understanding of what that river or lake or bay can withstand in the way of pollution, identifying the sources, and then assigning the source's limits based on what they contribute. This is very fair, and it creates a cooperative effort to clean up a body of water. All sources of pollution, whether industry or sewage treatment plants operated by cities, get divided up for that pollution limit; so much for this sewage treatment plant, so much for that factory, et cetera, et cetera. But if publicly owned wastewater treatment plants are permitted to discharge, for instance, more nitrates into our rivers and bays, well, who are we going to have to turn to to make up the difference to reach the standard, the threshold, the goal that we have for cleaning up that water? Is it going to be the factory along the water, the rancher, or the farmer who is using fertilizer upstream? Not only would S. 1 hurt business under this scenario, it would usurp State and local efforts to clean up their rivers, bays, and lakes, based on sound science and local control.

Mr. President, those of us who represent States which, in some part at least, are victims of pollution from upwind or downstream are particularly vulnerable and feel so under this proposal. Let me be very specific. If municipal sewage plants in New York will be relieved of future requirements to comply with water pollution standards because the Federal Government has not paid 100 percent of the cost of that cleanup, Connecticut industries and residents will bear a much greater burden if we are ever going to clean up Long Island Sound.

In fact, it would be impossible to ever clean up the Sound if New York City sewage treatment plants were exempt from water pollution control requirements. New requirements for more flexible approaches to cleaning up our rivers, coast lines, lakes, and estuaries focus on watershed-based planning in which wastewater treatment plants, industrial discharges, and farmers all work together to meet the loading tolerance of a particular body of water. These are zero sum gains. If the requirements on public sources of water pollution go down, the requirements on the private sources will go up and, believe me, they will be costly and burdensome.

Connecticut also has one of the most severe air pollution problems in the country, because we are the victims of dirty air transported from upwind States. Emissions of sulfur dioxide and oxides of nitrogen from powerplants in upwind States, including Midwestern States, contribute significantly to our smog problem and are responsible for the acid rain that falls on our State and many States throughout New England. If powerplants that may be operated by a public entity are exempt from future requirements under the Clean Air Act, Connecticut's industries will bear a greater cleanup burden, and the plain fact is—and it is a sad fact—that our citizens will breathe dirtier air and they will be sicker. I share the concerns raised about the potential negative impact of unfunded mandates legislation on Connecticut's severe air pollution problems, particularly dirty air transported into Connecticut from other States, by my colleague Congressman CHRIS SHAYS during the markup of House unfunded mandate legislation in the House Government Reform and Oversight Committee. The same points he raised apply to S. 1.

Mr. President, let me provide just some general statistics relating to the unfair burden that may be inadvertently created by S. 1. In its 1992 report to Congress, EPA examined the sources of pollution in estuary waters. Of the 8,000 square miles of impaired estuarine waters, municipal sewage treatment plants affect 53 percent of impaired miles, and urban runoff/storm sewers affect 43 percent of those impaired miles. Obviously, if we allowed some or all of these sources to be exempt from future water pollution requirements, the resulting burden on industries contributing to the pollution would rise dramatically if we are to succeed in cleaning up our estuaries.

Mr. President, I find it particularly ironic that we are considering this legislation right after we passed S. 2, the Congressional Accountability Act, because we finally have managed to impose the discipline of our laws on ourselves and now we are talking about a huge potential loophole in applying our laws to State and local governments.

In a way, I fear that this act, S. 1, might, if it is passed as it reads now, come to be known as the State and Local Government Unaccountability Act of 1995.

There are other consequences of the presumption in S. 1 that could result which are perverse and clearly unintended. A town that operates its own hospital and incinerator would, in effect, be receiving tax dollars from a town where there was a private incinerator and hospital. In other words, it is unfair to the taxpayers who pay for the disproportionate burden.

Mr. President, finally, I am also concerned about the potential legal issues raised about this point of order that is created in S. 1. In a letter to Senators ROTH and DOMENICI, dated January 8, 1995, seven professors of law contend that the procedure in this point of order may create problems under article 1, section 1 of the Constitution. Although it is settled that Congress may delegate to executive agencies the power to devise policy to meet congressional objectives, Congress must establish an intelligible principle to which the executive must conform. These professors state that the procedure in S. 1 might go far beyond such delegations because Congress could expressly authorize administrative agencies to amend or temporarily nullify statutes which could be held to be an unconstitutional attempt to delegate legislative powers to executive agencies.

I do not know if this analysis is correct, but I am concerned about it. I am concerned about whether we have assurances that agencies will be fair and evenhanded when they determine how to reduce the scope of the mandate and whether S. 1 contains adequate safeguards in that regard.

Mr. President, this amendment would simply narrow the scope of the second point of order in S. 1. It leaves intact most of S. 1. In fact, it leaves intact the 2 points of order that would lie against the largest costs on State and local governments of Federal mandates. They are all still left intact. It would still ensure, that is to say, that a point of order would lie if we do not have full information about the costs of mandates to State and local governments. It would still ensure that the committee report state whether there is funding for those mandates. It would still contain the second point of order for mandates that relate specifically to State and local governments, and are not part of trying to solve a broader national problem.

But for those mandates that apply to State, local, or tribal governments and the private sector, it would close a loophole that is unfair to the private sector and which would potentially exempt State and local governments from a whole host of environmental health and safety laws. And it would have, therefore, severe consequences, in my opinion, for the health and safety of the American people.

So let us pass a good bill here, Mr. President. I want to vote for S. 1, but I just feel that, in its current state, it goes too far. Let us pass a bill, not a Pandora's box filled with unintended consequences.

Again, I say, if the American people knew about the impact of this legislation, it would have not only unintended consequences but undesired consequences, consequences which the American people clearly do not desire.

Mr. President, I urge adoption of the amendment and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to inquire of the sponsor of the amendment if it would be possible at this time to enter into a time agreement so that we could have some predictability on when the next vote may occur. Would an hour and a half, equally divided from this point, be in agreement with the Senator?

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum so Senators on our side can consult.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I will just ask my colleagues if it might make sense if one of us kept going while they confer. This Senator has no problem with a time agreement. If they want to discuss the time agreement, that will be fine, but I think we might use the time advisedly.

Mr. President, I first want to all start by congratulating the Senator from Connecticut and also the Senator from Michigan, Senator LEVIN, for their efforts on this bill. I think the Senator from Connecticut has done an outstanding job of laying out in great detail the problem here, and I am not going to repeat all that he has said.

I might say, though, I saw that the distinguished majority leader was on the floor a moment ago. I heard him prior to that say to the Senate, chastising us for not proceeding faster on this bill, that the amendments that have been brought have not been relevant to this bill.

I might say to the distinguished majority leader and to the other side that the pending amendment before the Senate right now, I believe, is the Gorton amendment; is that correct?

The PRESIDING OFFICER. The pending amendment is the Lieberman amendment to the Gorton amendment.

Mr. KERRY. I believe, if I am correct, the Gorton amendment is on national historical standards; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KERRY. I simply point out to my colleagues that this is an amendment to a Republican amendment, and the Republican amendment which consumed most of yesterday afternoon has nothing to do with this legislation. I happen to support the Republican amendment.

So the Republicans have exercised their right of coming to the floor in order to attach to this legislation something they thought was important and, in fairness, that right ought to also lie, as it always has through the centuries of the Senate, with the other side.So I think it is inappropriate at this point, only several days into this, to be complaining about the fact that there are some amendments that some deem to be relevant but not germane, or germane but not relevant, whichever the case may be.

The Senator also asked somebody to look them in the eye and say they want to pass this legislation and they are not delaying it. I will look them in the eye if they are here and I will tell them I want to pass this legislation and I am not delaying. I will say it again: I want to pass this legislation and I am not delaying.

It seems to me that we ought to be able to work out among Members an agreement on a number of amendments that are relevant to this and, hopefully, proceed forward in a way that is intelligent. Let me emphasize ''intelligent.''

I remember the majority leader coming to the floor many times last year saying to America ''We are not delaying. We are just trying to save America from bad legislation.'' Or, ''We are trying to save the country from something that goes too far.'' Or, ''We are trying to save the country from legislation that we think can be improved.'' That is what we are doing, not saving it from a bad idea but making a good idea better.

We support the notion that we need to reevaluate unfunded mandates. Mr. President, we should not in the process of passing a bill on unfunded mandates do so in an irresponsible way that does not allow for fixing what we all know in the legislative process is the capacity of one word misconstrued or one word misplaced, to have an unintended consequence.

Moreover, I can remember in 1986 when we passed the Tax Act here. I went to Senator Russell Long because we were concerned about a particular component of that bill with respect to real estate. He said, ''Don't worry about that. We will pass that now and come back and fix it.'' Being new to the Senate, I believed him. I would not believe that statement today. The fact is that we did not come back and fix it. Over the years, the results produced, I think, terrible unintended consequences of devaluing certain amounts of property in America with unintended consequences to banks, to the savings and loans, and to a host of economic interests in this country.

Now, we ought to do a better job, Mr. President, of evaluating the cost of programs. It is irresponsible for the Senate to pass a program mandating actions by States or local communities of which we do not understand the implications.

I think the days have long passed by which Americans have come to conclude that they want to have a better sense of weighing the value of a particular environmental concern or a particular health concern against the totality of cost or the rate at which that cost might be imposed on them.

I also ask my colleagues to remember back to the 1960's and 1970's when a river in Ohio used to catch fire regularly: the Cuyahoga River. In response to rivers that caught fire and toxic and hazardous waste dumps which we knew were causing cancer and killing people in this country, we passed a set of standards.

A mandate is not just a mandate. It is not just a mandate to spend some money. It is our collective view as a Nation of something to which we want to aspire. It is our view of a goal or a standard by which we want to live. So when President Bush came to the Congress and joined the fight to protect the environment and said we ought to have clean air, he was expressing the hope and desire of millions of Americans to be able to breathe air that is clean. The result was Congress passed a notion of how we wanted to live, of a standard.

Subsequently, in the 1980's, particularly under President Reagan, there was an enormous shift in the revenue versus expenditure relationship. We all remember the promises made back in the early 1980's—if we cut taxes and raise defense spending we were going to churn up the engine of this economy and we were going to ultimately have increased revenues.

Well, we took the debt of the Nation from $1 trillion to over $4 trillion in the span of a decade. It was that diminution of the Federal partnership throughout the 1980's that has begun to create this new rush to reevaluate Federal mandates.

What happened during the Reagan era was the Federal Government left the mandate in place because it expressed the will of the people, but it took the money away. That is what has brought Members here. A perpetual process of the reduction of funding to States and local communities, leaving in place a series of mandates and, indeed, I might add, adding some mandates.

Most of the mandates that we are currently operating under were put it place in the 1960's and 1970's—not the 1980's—with the primary exception being the Clean Air Act. But I do not think most Americans have decided they do not want to breathe clean air. I do not think most Americans have decided that they want their kids living next to toxic waste dumps, and they are ready to have them get cancer and die. I do not think most Americans have decided that they are prepared to have a whole erasing of the standards of safety on our roads, on the standard of safety that we know have saved lives. I do not think that is what they are saying.

Now, if this bill, unintentionally—and I insist, unintentionally—if this bill not as a matter of purpose but as a matter of unintended consequence, is going to have the impact of diminishing the capacity of people in this country to have those higher standards of health or safety, then I think people would think twice. If this bill unintentionally creates a disadvantage to the private sector, I think people would say ''Wait a minute, is that really what we are meaning to do here?''

Now, I am 100 percent in support of our requirement that we evaluate the cost of Federal requirements to both the public and private sector. We ought to evaluate how we spend our money. In that evaluation, Mr. President, we also ought to consider the full measure of the relationship between the Federal Government and the States and localities. For instance, we allow the States and localities to benefit by virtue of a $66 billion a year deduction on State and local government income taxes and other tax deduction.

In effect, part of the Federal-State partnership and relationship is our payment of 40 percent of higher income people's State and local taxes. Is that taken into account in this mandate bill? Is that taken into account in the requirement of the commission to evaluate Federal mandates? The answer is ''no.'' That is an unfunded mandate, in essence, on a whole lot of low-income people that do not deduct, because that is a benefit that only goes to people who deduct. If you itemize your taxes and you deduct you get the benefit.

So, in effect, the Federal Government is paying for 40 percent of the local and State taxes of upper-income people as a consequence of our allowing that deduction. There are a whole set of tax expenditures, similarly, in the Federal-State relationship for which we are assuming the burden.

Now, I say this as background to this particular amendment that the Senator from Connecticut and the Senator from Michigan are joining together and bringing to the floor, because it underscores the complexity of this relationship. It underscores the fact that if we take one piece of this broad mosaic of our economy and we suddenly rip it off, we may have a whole set of consequences that impact other people. And we are just respectfully suggesting, in an amendment that is really very narrow in scope, in a very limited amendment, we are suggesting that there is a way for the Senate to legislate intelligently and avoid an unintended consequence.

Now, what is that unintended consequence? Just very quickly to go back to my colleague from Connecticut and his excellent description.

Mr. President, we have a very broad definition in here of a Federal mandate. The definition we have in this legislation covers all State and local activities including activities where there is a governmental role, such as in administering any appropriate program but also where there are activities that are not of a governmental nature. So we are saying in this bill, any Federal program mandated that covers an activity where the activity or entity acts in a governmental way or in non-governmental functions we are going to apply this bill.

If you do that, Mr. President, you are covering activities where the Government entities are acting as employers and where they compete in the marketplace with the private sector.

An example of that would be a landfill or an incinerator. You could have a local government-owned landfill or incinerator operated in competition with a private landfill or incinerator operator. As it is currently written, this bill will set up a different relationship between the public entity and the private sector. It will exempt the public entity from having to live up to a Federal mandate, but it will not exempt the private entity from that same mandate.

So we will continue to say, as I think the American people want to, that with respect to the environment or health or public transportation safety or workplace safety, we will continue to say, ''You, the public entity, are exempt unless we have decided to pay 100 percent, and, you, the private entity can continue to operate under the burden of the Federal mandate,'' which means that the public entity has a lower cost of doing business, which means we have advantaged them in the private sector.

I received a letter from BFI, which is Browning-Ferris Industries. We all know them. I know they have written a letter to my colleagues subsequently retracting some of what they said in this letter, but not retracting the substance, which is what I want to emphasize here. What they said to me was:

DEAR SENATOR KERRY: * * * Without legislative language along the lines of the enclosed, unfunded mandates legislation—even if it is prospective only—

And I underline.

could have the effect of subjecting the private sector to a regulatory (and cost) burden that the public sector would not face absent Federal funding. The enclosed language would merely have the effect of assuring a level playing field between the public and private sectors in those instances where there is some form of competition between the two (hospitals, transit, higher education, waste management, et cetera).

This letter was dated December 22. On January 11, they wrote to Senator KEMPTHORNE—I think it is probably in response to concern about the other—and they said:

We expressed our views at a time when one of our concerns was that unfunded mandates legislation could have a retroactive effect. It is evident that S. 1 has a prospective effect only, which we understand was your intent all along.

After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S. 1 is creation of a favorable climate for the private sector. In fact, S. 1 seeks creatively to address the concern in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place. Moreover, after many years of experience in working with you—most of them prior to your tenure in the Senate—

BFI is convinced that your dedication to free enterprise is unsurpassed.

They go on to say:

* * * we are pleased to strongly support S. 1.

I am not holding them out as not supporting it, but they nowhere in their second letter—nowhere—address the concern they express in their first letter. They simply say that ''we understand that it is not going to be retroactive.'' In their first letter, they said, ''even if it is prospective only.''

The fact is that by taking it out of retroactive, you are not diminishing the capacity for future unfunded mandate requirements to create this unlevel playing field, Mr. President.

What would happen is, you would have these public entities that engage in the hiring of employees and compete with the private sector, they would be exempt from obeying worker protection laws, like the Parental and Medical Leave Act; they would be exempt from the environmental health and safety requirements which the rest of the private sector has to comply with; publicly owned incinerators would be exempt from air pollution standards; school buses, as my colleague from Connecticut has pointed out, would be exempt from safety standards; cars owned by local government could be exempt from emission standards; State-owned liquor stores could be exempt from standards of product that apply to privately owned stores; publicly owned hospitals could be exempt from requirements for the proper disposal of medical waste.

I do not think anybody in the Senate wants to do that. I really do not believe that my colleagues think that is good policy or that that is what this bill is supposed to do.

I know my colleague is going to stand up and he is going to point to language added to S. 1 calling for committee report language. And in his language in the report he says that the evaluation has to include a description of the activities taken by the competition to avoid any adverse impact on the private sector of the competitive balance between public and private sector.

However, that is the report. That is not substantive. It is not a requirement nor is it an exemption. What that language does is, in effect, acknowledge that this is a problem. It says that you have to go out and make this evaluation, which means you are going to have this imbalance in the marketplace, you are going to have to go make the evaluation, you are going to have a point of order lie with respect to it, as my colleague has said, then you have to come back and jump through hoops of points of order and try to pass something to redress what any free enterprise capitalist should not want to have happen in the first place.

In effect, if you pass this bill as is, it is a kind of socialism because what you are doing is advantaging the Government against the private sector. You are, in effect, voting to say we are willing to take an unfunded mandate away from the public entity and we are going to leave it on the private entity. That does not make sense to this Senator. And for the life of me, I cannot understand why so many folks on the other side of the fence are so sanguine about this reality of the imbalance.

I asked them to look at the language. I asked them to measure it. This is not an exaggeration. I do not think the Senator from Connecticut has anything remotely resembling a reputation that is any less than diligent. He is one of the strongest advocates in the U.S. Senate for the interests of competition and business and the private sector. I think if you take a hard look at this, one has to be concerned about this relationship.

So we are here, respectfully suggesting to our colleagues that the goal of making the judgment about expense is absolutely worthy, but to undo the partnership completely in a way that imbalances this relationship between public and private is not worthy of this legislation and it is not what we ought to be seeking to do in the U.S. Senate.

I assure my colleagues, if this happens, we are going to be back here revisiting the quagmire of competition or of imbalanced competition that we will have created as a consequence of that.

Again, I say, I applaud the work the Senator KEMPTHORNE and Senator GLENN and others have done in trying to create a responsible climate of evaluation of costs before we impose them. But there is a responsibility in the Federal partnership to try to be fair. I think that, regrettably, we will not have met that standard unless we try to adopt some change within this legislation.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that time prior to a motion to table the pending Lieberman amendment be as follows: 45 minutes under the control of Senator LIEBERMAN; 20 minutes under the control of Senator KEMPTHORNE; and 30 minutes under the control of Senator LEVIN; that following the conclusion or yielding back of time, Senator KEMPTHORNE, or his designee, be recognized to make a motion to table the Lieberman amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object—and I do not expect to object—Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. KEMPTHORNE. Madam President, while this unanimous-consent request is being considered on this side of the aisle, I suggest it would be very appropriate for the chairman of the Governmental Affairs Committee to go ahead with his remarks concerning this amendment.

The PRESIDING OFFICER. The Chair now recognizes the Senator from Delaware.

Mr. ROTH. Madam President, I strongly oppose this amendment. Its effect would be to exempt from the requirements of this act those Federal mandates involving State and local government activities, when the private sector is also engaged in the same activities. Now, this exclusion would seem to appeal to notions of fairness but in fact would effectively gut the bill.

In truth, there is very little that State and local governments do that no one in the private sector is also engaged in doing. This is especially true since proponents of the amendment include those instances where one city franchises a private contractor to render a service for which another city might directly use its own employees.

Trash collection and disposal is one example sometimes cited. Waste disposal companies are said to compete with the public sector in that they try to convince governments to contract out such service and therefore have to show that they can do it cheaper than government.

It has been argued that Federal subsidies to State and local governments would in that type of instance upset some competitive balance.

But other than enacting laws, everything a city or a State does could be covered by such competitiveness principles, particularly as more and more governments are moving to contract out a broader range of functions and services.

Let me give a few examples. Police departments. Police departments compete with private security guards and private residential patrols.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. ROTH. I will be very happy to yield.

Mr. KEMPTHORNE. I thank the Senator for that courtesy.

Madam President, I again renew my unanimous-consent request. If necessary, I will restate it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank the Chair. I thank the Senator from Delaware.

Mr. ROTH. Madam President, as I was saying——

Mr. LEVIN. Madam President, if the Senator will yield again, is the Senator from Delaware—

Mr. ROTH. I will be happy to yield without losing my right to the floor.

Mr. LEVIN. Is the Senator speaking under controlled time?

The PRESIDING OFFICER. The time is now under control. The question is yielding.

Mr. KEMPTHORNE. Madam President, the Senator from Delaware is on my time. I will yield 10 minutes to the Senator from Delaware.

Mr. KERRY. Madam President, I ask if the Senator will just yield for a question.

The PRESIDING OFFICER. Will the Senator yield?

Mr. ROTH. I would like to complete my statement.

As I was saying, fire departments compete with private, for-profit fire departments such as used by Scottsdale, AZ; public building inspectors compete with privately contracted building inspection services such as used by Sunnyvale, CA, during building booms; public road construction crews compete with private construction contractors, and even with private toll roads such as is being built in northern Virginia; public schools and community colleges compete with proprietary trade schools; public hospitals compete with private hospitals; city attorneys compete with private, fee-for-service attorneys such as are used by many towns too small to have a full-time lawyer on staff; public libraries compete with bookstores and video rental stores. Many libraries now lend movie videos. Public swimming pools and golf courses compete with private facilities and country clubs; municipal revenue collection departments compete with private collection agencies such as those that will collect on overdue parking tickets for a percentage of the revenue; city computer operators and IRM departments compete with private-sector computer service companies, such as EDS, which will contract to do a city's payroll; and municipal buildings and ground maintenance crews compete with private-sector maintenance companies.

In other words, Madam President, it is not just a few selected areas where government and the private sector render the same or similar services. Much more than just pollution control and waste disposal is involved. This amendment would cover virtually every activity of State and local government.

This is why the distinction between public-sector and private-sector activities ought to be decided on a case-by-case basis. In fact, the legislation does acknowledge that there may be occasions when such issues of competitiveness are of legitimate concern. The bill states that committee reports shall explain how the matter has been addressed by the committee. Then Congress can judge how best to deal with that individual instance where a real problem might exist. Through the use of the waiver provision of S. 1, we can decide that funding a particular mandate for the public sector is unfair to the private sector.

Madam President, I think this is a far, far better way to deal with this issue, and that is why I strongly urge my colleagues to reject this amendment. As I stated, its adoption would effectively gut the bill. The exception would swallow the whole.

Madam President, I yield back the remainder of my time. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Will the Senator from Connecticut yield me 2 minutes off his time?

The PRESIDING OFFICER. Will the Senator from Connecticut yield to the Senator from Ohio?

Mr. LIEBERMAN. Madam President, I yield as much time to the Senator from Ohio as he needs.

Mr. GLENN. I just need a couple of minutes. I want to be added as a cosponsor on this legislation.

I do not see how the Government can possibly come down on the side of a government entity that is in competition, in effect, with a private industry, whether it is waste management, whether it is water provision, whether it is sewer provision, whether it is—whatever—and come down and say we will partially federally fund or totally federally fund whatever the mandate is with regard to the public entity and give that competitive advantage to the public entity in competition with a private industry, whether it is electricity or sewer or whatever the provision might be.

So I think the amendment obviously makes sense to me. I ask to be made a cosponsor of the amendment and yield the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I yield myself as much time as I need.

I have just a brief statement to thank my friend and colleague and leader from the Governmental Affairs Committee, the Senator from Ohio, for his cosponsorship of this amendment. He has been a leader in the whole crusade to force the Federal Government to confront the costs of its enactments on State and local governments and on the private sector.

He is a cosponsor of the underlying bill, S. 1, and so I am particularly heartened and appreciative that he has agreed to cosponsor this amendment, which, in my opinion, does not go to the heart of this measure. It goes to the margins, which is its application and applicability.

It is a simple amendment which slightly narrows the definition of the term ''Federal intergovernmental mandate'' so it does not include a provision ''in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities or services of State, local or tribal governments and the private sector.''

The Senator from Ohio has stated his concern about the unintended consequence here, that this will put disproportionate burdens on the private sector in excusing the public sector. Again, I thank him for his leadership on this issue and for his support.

I hope in the end I can join him in supporting S. 1 by itself. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. How much time do we have remaining on our side, Madam President?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. KEMPTHORNE. Madam President, I yield 5 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Madam President, I thank the distinguished Senator from Idaho for the opportunity to respond to this amendment by the good Senator from Connecticut. When the Senator described this as a simple amendment it took me back to my days in the State legislature. That was the first signal that you had trouble. In effect, this amendment renders this legislation that we have been discussing for days upon days, and was in preparation for almost 2 years, moot. That is the effect of the simple amendment.

It is simple in the context that it makes this entire effort a moot effort, because by saying, as this amendment does, it is not an unfunded mandate if it in any way affects the private sector, it has the effect, it literally would say, there are no unfunded mandates.

The curiosity about this for me is that this amendment is being offered in the nature of being a defense for the private sector. I have always found it curious, when our membership talks about its support of the private sector, only to find that the private sector itself expresses itself quite differently.

I have before me a letter dated January 3, 1994, from the National Federation of Independent Business, who support this legislation without this amendment.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
January 3, 1994,

Hon. PAUL COVERDELL,
U.S. Senate, Washington, DC

DEAR PAUL: On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor

of S. 1, the unfunded mandates legislation, when it is considered by the Senate in January.

Unfunded federal mandates on the states and local governments end up requiring these entities to raise taxes, establish user fees, or cut back services to balance their budgets. Small business owners are affected by all of these actions.

Between 1981 and 1990, Congress enacted 27 major statutes that imposed new regulations on states and localities or significantly expanded existing programs. This compares to 22 such statutes enacted in the 1970s, 12 in the 1960s, 0 in the 1950s and 1940s, and only two in the 1930s. The Congressional Budget Office estimates that the cumulative cost of new regulations imposed on state and local governments between 1983 and 1990 was between $8.9 billion and $12.7 billion. These include environmental requirements, voters registration requirements, Medicaid, and others.

It was not the states and cities who paid roughly $10 billion in unfunded mandates during the 1980s; it was taxpayers—small business owners as well as everyone else. In June 1994, a poll of all NFIB members resulted in a resounding 90% vote against unfunded mandates.

I urge you to strongly support S. 1.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

Mr. COVERDELL. I also have a letter before me from the National American Wholesale Grocers Association, a group with a very large membership across the country, who support the legislation without the amendment.

I am not going to enter all of these into the RECORD.

We have a letter in our hands from the U.S. Chamber of Commerce which represents hundreds of thousands of businesses across the country in support of the legislation without the amendment. And the list goes on and on and on of people who actually are out there meeting a payroll, running a business, who have supported the legislation managing unfunded mandates as offered by the Senator from Idaho.

Why the incongruity? Why would we have people here on the Senate floor who are suggesting that we have to have an amendment such as this to protect the private sector and yet we have this outcry from the private sector saying pass the bill as it is?

The answer is very simple. The private sector is already paying the effects of unfunded mandates. If you own a piece of property in any city, county, or other jurisdiction across this land of ours, about a third—depending on the type of jurisdiction—about a third of that property tax bill that you are paying every year is directly related to Federal orders—mandates—with no check to pay for them.

I spoke about the motor-voter bill the other morning, which cost my State $6.6 million in the first year and then $2 to $3 million thereafter. That is Federal folly. It is totally unnecessary in my State. Registration was being handled very adequately.

So we have a policy wonk in Washington trying to establish what the policy on a very local question ought to be and ordering that it be the way we think it ought to be in Washington and then sending the bill to the local government. That local government bill goes right down, ultimately, to an impact on property taxes. And that is why we have these letters from the U.S. Chamber of Commerce. That is why we have the letters from the National Federation of Independent Business, and Grocers, et cetera, et cetera. Because they are bearing the burden.

Governments do not pay taxes. People and businesses and families and corporations, they pay taxes. They are the direct recipients of the burden of the last 10 to 15 years of unfettered orders from the Federal Government without any payment to cover it.

Madam President, I will just say one more thing and I will yield my time back to the Senator from Idaho. In the final analysis, the other aspect of the legislation that is very important to note is that, if the impact is greater than $200 million on the private sector, CBO is required to publish that knowledge and we in the Senate would have the opportunity to understand the impact and by a majority vote, if the consequences create a massive destabilization of fair competition across our country, we have the prerogative—and for the first time, I might add, the knowledge—to understand what we are doing and can act accordingly.

This amendment makes the measure moot. The private sector does not concur with the suggestions that they need this type of protection. They are for the measure without the amendment. And the reason is because they pay for the unfunded mandates in the end.

I think it is time we moved on and got to this final measure and gave America and all America's mayors and county commissioners and school superintendents what they have been asking for for nearly 2 years.

I yield the remainder of my time back to the Senator from Idaho.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. I thank very much the distinguished Senator from Georgia, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I will yield in a moment to my colleague from North Dakota, but I want to say in response, on my own time, to one of the statements made by the Senator from Georgia, that the reference to the Motor-Voter Act is in point. I want to reassure him that under this amendment, the motor-voter law would still have to pass the two hurdles, be subject to the two points of order, and could be suspended in its impact if the Federal Government did not pay the costs of the State's implementing it because it is a unique governmental function.

The State and local governments, in implementing the Motor-Voter Act are not competing with any private sector businesses. This is a delegation of responsibility that we put on the States uniquely unless, under the terms of the bill which are generally part of S. 1, there was an estimate that it would not cost $50 million in any given year of its implementation.

So the example is a good one to indicate exactly how S. 1, if our amendment were adopted, would impact mandates, mandates uniquely on State and local governments such as motor voter or the large most costly mandates that I indicated earlier, and referenced specifically earlier, would still be faced with the two hurdles. That is quite different from mandates, such as the Safe Drinking Water Act, which are aimed at solving a national problem, guaranteeing people pure drinking water regardless of whether they get it from public or private sources.

Madam President, I yield now 5 minutes to my friend and colleague from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Madam President, thank you very much. I thank my friend from Connecticut.

The issue of the private sector is one I am well familiar with. Senator DOMENICI and I offered the legislation last year that became the basis for the language in last year's bill and also became the basis for the language in this year's bill on the private sector. We are the ones that indicated that we wanted the private sector included. If there is an aggregate cost exceeding $200 million that is going to be imposed on the private sector as a result of a mandate, my own view was God bless the mayors and the Governors. They certainly have legitimate complaints about mandates. But what about the mom and pop business on Main Street? What about the private sector folks trying to make a living? What about the mandates we impose on them? Why should not there be a comparable requirement with respect to the private sector?

I am pleased to say with the cooperation of the Senator from Idaho and active work on behalf of a lot of folks here that that was included. And that makes this bill a better bill. We are not just concerned about State and local governments. We are concerned about them and addressing their interests. But we are also concerned about the businessman and the businesswoman all across this country on Main Street who also have to respond to mandates.

There is only a point of order here, not funding with respect to the private sector, but a point of order that exists. We are debating a law today or proposed law. One of the interesting laws in Congress is a law of unintended consequences. It springs up between every desk and in every crevice and every

day in every way, the law of unintended consequences.

I will tell you what you will hear about this law if you do not pass this amendment. You will hear about that law immediately if this amendment does not pass. The first time that you have a State or local government engaged in an enterprise in which the private sector is engaged in the same enterprise and a mandate is moving through the Congress, what you have is a circumstance where the Congress will pay for the cost of complying for the mandate for the local level of government and the private sector competitor out there has said you have the same mandate but which we are sorry, partner, you are on your own. You have created a competitive unfairness by definition, end of argument. You have created unfair competition.

I heard the last speaker talk about the surprise about the private sector. There is nothing about the intent of this amendment that in any way erodes or undermines the provisions in this bill that address the private sector. I know because I helped write it. Nothing that is proposed by my friends with this amendment would undermine those provisions of the law.

The only thing they have tried to do is say where you set up conditions in which you will have competitors as between levels of government and the private sector, we shall not have circumstances in which a point of order will lie if you do not fund it for the government but ignore the private sector. That is all the Senator from Connecticut is trying to do, and it is why I am pleased to cosponsor it and pleased to support it.

It makes eminent good sense. I hope after it is thought through and discussed some that the other side of the aisle would decide to accept it. Those who say the private sector does not want this, I will guarantee you this. Anybody in the private sector who is going to be set up for an unfair situation is going to want this as soon as they understand that they cannot compete in that circumstance.

So let me just again end where I started. This bill includes the private sector in a significant and important way. I support that, and I helped write it. I helped make sure it was here.

This amendment does nothing to undermine or erode what we are trying to do for the private sector. In fact, this amendment comes to that part of the private sector that will otherwise have in my judgment a circumstance of terrible unfairness imposed upon it and says we do not want that law of unintended consequences to come from this piece of legislation.

If we do not include this, I guarantee you we will discuss this again on the floor of the Senate. I guarantee you that those who discuss it will not be able to stand up and defend the circumstance that brings it to our attention the next time.

Madam President, I yield the floor.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from North Dakota. His advocacy for small business, for small farmers, and for common sense is well known and respected in this Chamber. He did in fact help write the bill, in fact strongly supports the underlying purpose of the bill, but also supports the amendment which gives me great confidence to go forward. I thank him for his very eloquent words.

Madam President, I ask unanimous consent that the Senator from Nebraska [Mr. KERREY] be added as cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I would at this point yield up to 10 minutes of my time to the Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I thank the President and the distinguished Senator from Connecticut.

I want to take this opportunity to talk on behalf of the support for this amendment offered by the distinguished Senator from Connecticut, Senator LIEBERMAN, which will exempt from S. 1 all legislation that affects the private and public sectors.

Equally knowing that this amendment is recommended and authored by the Senator from Connecticut comes as no surprise. He is thoughtful. He recognizes from his own experience on the Environment and Public Works Committee, and the things that we have attempted to do for some time now, the need to go to the private sector wherever possible to get the job done, whatever that may be, most efficiently.

So I think this is an appropriate amendment. I am not sure where the controversy lies between the two parties because this amendment by any count really makes sense and it is consistent with the review over the last couple of years, the last several years, to turn, as I said before, to the private sector whenever we can do so.

Just last week, we passed the congressional coverage bill because we said that Congress should be subject to the same laws as everyone else. It would be absurd if only a week later we passed legislation which exempted State and local governments from the laws which applied to the private sector. But that is exactly what S. 1 as currently written does.

Under this legislation, the presumption is that States and local governments will be exempt from requirements that apply to the private sector unless the Federal Government foots the bill for compliance.

At the same time firms operating in the private sector—and there is example after example—I mean private water treatment facilities versus public water treatment facilities, sewage facilities, privately and publicly, but firms operating in the private sector would have to comply with these requirements, with these standards that are set by perhaps the Federal or the State government even though no one would be helping them to pay the costs of compliance,setting a competitive condition that is contrary to the mission that all of us have these days—that is, to get the job done in the best way possible for the least cost, in the most efficient manner. This is not just a theoretical inequity, it can have real and serious consequences. For example, in many jurisdictions, waste treatment facilities, as I said, are operated by government entities as well as private firms, each with the same obligation.

Under S. 1, the State-owned facility would not have to comply with any new laws designed to reduce pollution, unless the Federal Government pays the cost.

The private-sector competitor, however, would not have any choice. They would have to comply, and they would have to pay.

Consider the case of a research facility in a State university and a private-sector firm conducting similar research. S. 1, as currently drafted, institutionalizes a competitive advantage for the State-run facility and punishes the private-sector enterprise. That is not, I am sure, what the authors intended. But it is the result.

Madam President, many of those who support this legislation recognize the problem and want to fix it. Indeed, earlier in our consideration of this bill, an amendment was adopted which will require committees to consider the disparate impact of mandates and mandate relief on public and private concerns. But while recognizing the problem, that language does nothing to correct it. It does not provide the kind of assurance or consistency which is needed to deal with the problem.

The amendment of Senator LIEBERMAN, however, addresses the problem we all seem to recognize in a meaningful way. Under the amendment of the Senator from Connecticut, State and local officials would have to follow the same Federal laws as everyone else. Our workers and our environment would be protected similarly, and private businesses would have a level playing field.

So I believe this amendment is essential to a fair and equitable unfunded mandates bill, and I strongly urge my colleagues to support it.

I yield the floor.

Mr. KEMPTHORNE. Madam President, I yield 4 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. Madam President, I thank the manager of the bill. I rise as a very strong supporter of S. 1, the unfunded mandates bill.

I came to this body having served 8 years as Governor of Missouri, and I found that State government budgets were devastated by the costs of Federal

mandates. I also know that they have been devastating in their impact on local governments. Kansas City, MO, finds the one-time cost to the city of implementing all the federally mandated environmental regulations in 1993 was some $56.2 million. Local governments are seeing their budgets robbed by Federal mandates. State governments find that they cannot utilize the tax dollars they want to, as they believe their voters and constituents want to, because they are preempted by the Federal Government.

I believe this is a good measure. I took a look at this amendment that has been crafted by my good friend from Connecticut. I read it, and it is absolutely stunning in its simplicity. It says that Federal or governmental mandates does not include any provision in any bill that would apply in the same manner to activities, facilities, or services of State and local or tribal governments and the private sector.

Madam President, that wipes out a tremendous sector of where the Federal mandates hit the State and local governments. That is not just a loophole big enough to drive a truck through, that is a loophole big enough to push this whole Capitol through.

Motor-voter, as mentioned by my colleague from Connecticut, may be one of the few areas that would not be exempted. But all of the other laws that impose the burdens on State and local governments would be wiped out. Is this an automatic requirement that we fund State governments and local governments in competition with the private sector? No. It simply says that you have to consider that; you can waive that. There is no requirement that we cannot change by a majority vote—and that will be brought to the attention of this body—if there is an impact on governmental and private-sector entities.

I have been made almost breathless by the statements of concern for the private sector from some sectors where I have not traditionally heard that support. I hope that those same people will support us in privatization efforts.

Frankly, what we are talking about here is an exemption that is so broad that it will make the basic provisions of S. 1 not applicable in most of the expensive areas where State and local governments are significantly oppressed by Federal Government mandates.

I urge my colleagues to reject this amendment. This bill is vitally needed. Governors, mayors, legislators, Republican and Democrat, across this country, particularly in my State, know that we need S. 1. They cannot afford to have S. 1 with this kind of loophole put in it.

I urge my colleagues to reject the amendment.

I reserve the remainder of my time.

Mr. KEMPTHORNE. Madam President, I thank the Senator from Missouri so much for his perspective as a former Governor and for expressing the importance of this legislation.

I reserve the remainder of my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Madam President, before I get to the amendment pending before us, I would like to use part of the time that has been allocated to me under this unanimous-consent agreement to pick up kind of where I left off the other day, about the bill itself.

I think, like most of us, that we must address the problem of unfunded mandates. I was a cosponsor of last year's bill. I am a former local official. I understand the impact of a mandate when Washington imposes it on us at a local level. By the way, private business persons understand those impacts, too. So we have to understand that it is not just local and State governments that are concerned with mandates imposed by us. The private sector is concerned with mandates imposed by us, as well. This bill treats them differently.

Sometimes the private sector and public sector are in direct competition; yet, they are treated differently in this bill. I am going to get to that in a minute when we talk about the amendment of the Senator from Connecticut.

I want to talk about, first, some of the problems that I see in the bill itself. First of all, it has been suggested that because amendments are being offered—there are many amendments that are going to be offered, and there are many that are needed, and some of them have already passed—that, therefore, people are filibustering this bill.

I have seen some pretty strange things in this Senate, but I have not seen many people filibuster their own bills. The Senator from Ohio, who is the ranking member of the Governmental Affairs Committee, is the prime cosponsor of S. 1. He was the principal sponsor last year of the bill that came to the floor. He believes vehemently in what is in this bill. He also, very strongly, opposed cloture—Senator GLENN did—because it would have immediately wiped out a whole host of relevant amendments—I emphasize ''relevant amendments,'' relevant to this bill. They were not technically germane for postcloture purposes, but they were very relevant to the bill, including a substitute which he is considering offering which is closer to last year's bill.

Are we serious that we want to prevent the ranking member of the Governmental Affairs Committee from offering a substitute bill similar to the one he sponsored last year? Is that a fair treatment of minority rights, to tell the former chairman, whose bill this was last year, that now as ranking member he will be preempted because of a technical postcloture rule from offering a substitute to this bill, should he so choose? I think the answer is no.

Therefore, when the Senator from Ohio and the Senator from Nebraska, who is also a cosponsor of S. 1, who is the ranking member of the Budget Committee, vote against cloture so that Members can continue to offer relevant amendments, the suggestion that they are, therefore, participating in a filibuster means they are filibustering their own bill—a bill that their name is on. When you look at the sponsors of S. 1, the third name on that sponsorship list is the Senator from Ohio. The sixth name is the Senator from Nebraska, Senator EXON, and so forth. This bill is different from last year's bill in some very significant ways.

Again, I cosponsored last year's bill. I would like to vote for this bill. I hope to be able to do it. But I am determined, and others are, too, that we are going to take the time to analyze some very, very significant provisions that will change the way we function on the floor here when amendments are offered, when bills are brought up. There is a new point of order in this year's bill, a very significant point of order, which was not in last year's bill which can be raised on any bill that does not fund that mandate for State and local governments under certain circumstances.

Now what has been the delay? Well, a couple of the days that have been used here were simply used to extract committee reports. On both committees, both Budget and Governmental Affairs, we made an effort to obtain committee reports. The effort was rejected on a party-line vote.

Now why—when you have a bill that is introduced on a Wednesday night, that goes to a hearing the next morning, that is supposed to be marked up the next day, that is very different from last year's bill—we are not given a committee report without being put through the process that we had to go through here this week to get committee reports, I do not know. But we were put through that process in both committees.

There was an amendment offered. Senator PRYOR, in Governmental Affairs, asked for a committee report so that Members of this body could study these provisions. They are very, very significant provisions. Senator PRYOR's motion in Governmental Affairs was tabled on a party-line vote. A similar thing happened in the Budget Committee. And so the effort was made then on the floor, finally successfully, to get committee reports. That took 2 days.

Now, in committee, I offered an amendment which said that if the Congressional Budget Office cannot make an estimate of the cost of an intergovernmental mandate, that it should be able to say so, just the way the bill allowed a mandate in the private sector to be so regarded by CBO. If the Congressional Budget Office is unable to say what the costs of a mandate on the private sector are, under this bill, it was allowed to say so. But purposefully, explicitly, the bill did not allow the Congressional Budget Office to say

that it could not estimate the cost of an intergovernmental mandate.

And let us be real clear: It is that estimate that is so critical. It triggers all kinds of activities. It requires appropriations to be in the amount of the estimate. So that estimate is the critical triggering device in this bill.

In last year's bill, if there were not an estimate, it would be subject to a point of order. And that was fine. This year's bill goes way beyond that, because it creates a point of order if we do not either appropriate directly the money to equal the estimate or unless we do some other things to make sure that downstream there is an appropriation for that estimate. So that estimate becomes absolutely critical.

But what happens if the CBO cannot make the estimate? I offered an amendment in the committee saying they ought to be able to say so. If it is absolutely impossible to make an estimate—for instance, if the amount of the mandate is going to depend upon the action of an agency which has not been taken, if it depends upon the content of a regulation that has not been written, then it may be impossible to say so. Let them be honest. That amendment was rejected in committee on a party-line vote.

Now, why have we used so much time in the last few days? For many reasons. One of them is I spent 3 hours here the other day debating that issue as to whether or not the CBO ought to be able to state that. And finally, today, we adopted the amendment which was rejected in committee. Was that useful? You ''betcha.'' It is going to make a big difference when this bill becomes law—and I have no doubt that this bill will become law—it is going to make a major difference as to how the Congress operates. Because there will be times, we have been told by the CBO, when they will not be able to estimate how much an intergovernmental mandate costs.

There have been other reasons we have used up some time. We had an amendment by the Senator from Washington on the Republican side, totally nongermane, totally nonrelevant to this bill. It took us hours yesterday, hour after hour after hour, on a totally nonrelevant, nongermane amendment having to do with education standards.

There are a lot of problems with this bill and they need to be addressed. This bill says that certain civil rights laws that protect people against discrimination based on race, religion, gender, ethnic origin, or disability are not the subject of this bill; that States and local governments are going to have to comply with those without any mandate protection in this bill.

Well, they left out a few things, including age. Do we want to protect people from age discrimination the way we do from race discrimination? I think so. Do we want to correct that? I hope so. And I will offer an amendment later on to correct it.

Is that dilatory? Is it dilatory to suggest that, since every amendment that any Member of this body might offer is subject to a point of order unless it contains a certain estimate as to how much it might cost State and local governments, every one of us is going to be subject to this point of order when we offer an amendment? And I think most of us probably say, that is right. Many think it should apply to amendments. But that is not my argument here.

The bill says that the point of order applies to amendments. An amendment which we offer must have that estimate of the cost to State and local governments or it is subject to a point of order. Can we get the estimate as individual Senators? Do I have a right to it? My amendment is going to be subject to a point of order if I do not have it.

Well, the bill says only the committee chair and the ranking member can ask for the estimate. That is what the bill says. Is my legislative life then going to be put in the hands of the committee chair and ranking member? Maybe they disagree with my amendment.

I am going to be offering an amendment which says any individual Member has a right to ask for the estimate, which is so crucial if that person's amendment is not going to be subject to a point of order. That just seems to me to be fundamentally fair and required and protects all of us.

This has nothing to do with private and public and whether we should have an estimate and all of that. This just goes to a basic right of a Member to obtain the estimate, which is absolutely essential under this bill to avoid a point of order on his or her amendment.

Now, is that germane after cloture?

We have been told it is probably not germane. Is that dilatory? Is it, in any fair sense of the word, dilatory for Members to clarify that issue by an amendment? It is surely relevant. I am confident that the Parliamentarian would rule it is relevant. But it is not germane, technically not germane, because postcloture is a very, very tight definition of germaneness.

Do we want to clarify it? Is it worth taking a few days? This bill will not be effective by its own terms until next January. Now, maybe some people will suggest that does not mean we should not use all the time between now and next January debating that bill. I could not agree more.

I can see my friend from Mississippi, the wheels in his head moving around. I beat him to it. I hate to take away a good response. So be it. Is it worth taking a few days, a few weeks, if necessary, to answer these amendments? These are relevant amendments. They affect each one of us. I think it is.

Now, getting to the amendment of the Senator from Connecticut.

Mr. LOTT. Will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. LOTT. The Senator was kind enough to mention my name and is fixing to get to the important discussion of the amendment. The Senator is absolutely right, even though we take a little time, it will not go into effect until January.

I want to make this point. I am pleased that we are now getting to some substantive amendments. This one clearly needs to be thought about and debated as it is being debated. I presume there are a few more. I think that the work that has been done by the distinguished floor managers on this bill last year and this year, a lot of good work has already been done. Surely there are a few good amendments. We should get to them.

Nobody here believes that there are 78 on your side or 30 on our side. Let Members get this list dwindled down to the amendments that really are relevant. Let Members talk about those. I suspect that some of them will be accepted, and we will get the job done and move on.

Certainly there is not a railroad involved here. We are taking lots of time on this legislation. I do think that the leader is right to expect that after 5 days we get down at least to the relevant or germane amendments. We are about to get there.

Here is my question to the Senator, if he would yield for the question. The Senator was talking about when would this be used. It seems to me that there would not be a whole lot of amendments that this might apply to. We are talking about a relatively small number, the dollar amount that is involved here. Is it not true that you probably would not have this applying that often? I am asking from genuine curiosity. How much are we talking about that would really kick in, $50 million?

Mr. LEVIN. There are 800-some bills, which estimates were able to be made on the bills as I understand it in the last 12 years. That is where estimates could be made. And a whole bunch that could not be made. I do not think that the current law which requires that an estimate be made, some act as though there has not been a law on the books that requires these estimates of intergovernmental mandates to be made. There has been a law on the books.

I am not sure many of us have read those estimates they have made, but nonetheless to answer the Senator's question directly, I do not believe it is applied to amendments. So, we are skating out on a new pond. The language applies this now to amendments, the point of order to amendments relative to intergovernmental mandates. When I say ''the law'' I am talking about estimating the amount of the intergovernmental mandate, the mandate on State and local government.

To try to directly address my friend's question, we do not know whether or not that threshold of $50 million per year some year down the road—could be 10 years down the road—is reached until we ask for the estimate. So how

many amendments will, in fact, be calculated or estimated to include an intergovernmental mandate of more than $50 million in any one of 5 fiscal years after it becomes effective? There are an awful lot of squishy words in there, by the way, but how many of them? What percentage of our amendments? I do not know. I just cannot answer.

Mr. LOTT. Mr. President, let me conclude, because I know the Senator wants to make some other points. Perhaps the Senator would want to respond to this.

I have found the people out across the country, certainly my State, are astounded when they find out that in fact we do not know the cost estimates of amendments that we are offering on the floor. They are shocked. We wander in here and say, hey, here is my amendment. It might cost $10 million, or $50 million, or $200 million, and they say, ''you mean, you don't know?'' Do you not think the people would want Members to know the consequences of our amendments on the floor? I think that is what this bill does. Which I believe the Senator supports.

Mr. LEVIN. I do. I agree with that. The problem is not the requirement that there be an estimate. That is not the problem.

Mr. LOTT. Without an estimate, how do we know?

Mr. LEVIN. The Senator asked me what percentage, and I am saying how do we know without an estimate. So I could not answer your question as to what the percentage is without these estimates being made. They have not been made yet on amendments. So, we will find out.

I agree, we should know the consequences of our acts. We should know the impacts on local and State governments. I used to be that local official 8 years. I came to this town because I did not like what the Federal Government was doing to me and my town—not me personally but my town—including mandates, including the way they operated programs. Believe it or not, that was a big part of my first campaign. As a local official I understood that. And I still believe it. And we should know the consequences of our acts.

Now, this amendment that is pending before the Senate is saying there are some areas where we sure should equally know the consequences on the private sector, and equally treat the private sector. There are areas where the private sector and the public sector are in direct competition. You have a hospital, one is a publicly owned hospital, say, university hospital, the other one is a private hospital. They are in competition. You can take two incinerators or two anything. Now, assume that in our wisdom or lack of wisdom—there will be a debate over that—there is an increase in the minimum wage. I do not want to debate the wisdom of the increase in the minimum wage, but assume there is an increase in the minimum wage. Do we really want to create a presumption that the private hospital is not going to have to pay that minimum wage increase but—excuse me, let me reverse it. Do we want to create the presumption that the private hospital is going to have to pay the increase in the minimum wage but that the public hospital is going to be off the hook unless we pay their increase in the minimum wage? Do we want to create that presumption?

Now, I had an amendment in committee which said, no, we will not do that when it comes to those employment laws like minimum wage and family and medical leave. We should not create that presumption. The amendment before that is a broader amendment, addressing the same point.

Take the two incinerators.

Mr. KEMPTHORNE. Would the Senator yield?

Mr. LEVIN. I am happy to.

Mr. KEMPTHORNE. Mr. President, just in response to that, this concept of having a public hospital, the private hospital, are we going to presume that we would then proceed and only pay for a minimum wage increase on the private hospital?

Mr. LEVIN. Mr. President, the bill does not presume that we will pay for the increase on the private hospital. It does create a presumption that we will for the public hospital. Of course it can be waived by 50 votes. There is a presumption in the bill.

Mr. KEMPTHORNE. That is the point, Senator, that is the point. If that scenario were to unfold, No. 1, would it not be very healthy for the Senate to have the information as to what is the cost of that mandate?

Mr. LEVIN. So far we are together.

Mr. KEMPTHORNE. In minimum wage.

Mr. LEVIN. Together so far.

Mr. KEMPTHORNE. Ask to have a CBO analysis on the cost and on the private sector.

Mr. LEVIN. We are together.

Mr. KEMPTHORNE. What sort of cost is it to the private sector?

Mr. LEVIN. We are together.

Mr. KEMPTHORNE. What sort of adverse impact might that have on competition between the public and private sector?

Mr. LEVIN. So far so good. Keep going.

Mr. KEMPTHORNE. Then we are together.

Mr. LEVIN. Mr. President, no, no. Excuse me, I will reclaim my right to the floor and then I will be happy to yield.

This bill goes one step beyond that and creates the presumption that we are going to either pay for that increase for the public hospital or waive it. It does not do that for the private hospital.

So, we go right down the road together, arm in arm as last year's bill did, which the Senator from Ohio is the prime sponsor of.

This year we go one step further. This year we create the presumption, and it is pretty embedded in there, that we will pay. We are implying to people, we are sending out the message, we are creating an assumption that we will either pay that increase for the public hospital or waive it.

That is where we have problems.

(Mr. COVERDELL assumed the chair.)

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I will be happy to yield.

Mr. KEMPTHORNE. I certainly will respect your time. But, Mr. President, that is the point. There is all of this emphasis, all of this discussion on a point of order. At any point—at any point—you may seek a waiver of that point of order. In all likelihood, if you are going to have an increase in the minimum wage, we all know that will require a majority vote in the Senate. It may be the same majority that would also vote to waive that. The point of order also is not self-executing. Somebody has to raise that point of order.

Mr. LEVIN. One Senator.

Mr. KEMPTHORNE. One Senator has to raise that point of order.

Mr. LEVIN. Correct. Is there any doubt in your mind one Senator will raise any point of order? There is not 1 out of 100 Senators who opposes—by the way, the Senator from Idaho is a cosponsor of last year's bill.

Mr. KEMPTHORNE. Yes.

Mr. LEVIN. Which does not go as far as this year's bill does and create this presumption that we are going to treat the public sector different when it comes to funding this mandate than we will the private sector. It is not as though last year's bill was a weak bill. I do not think my friend from Idaho would have cosponsored a weak bill. Last year's bill was a strong bill, which went right down the road, step by step—and you outlined those steps. I agree with each of those steps.

This year's bill adds that additional point of order, and it is there that it creates a competitive disadvantage, in many cases, to firms that are competing with each other. And that is where the amendment of the Senator from Connecticut will allow us to say that if it applies to both, to both incinerators, public and private, that we should then deal with them in the same way.

I wonder if I could ask of the Chair how much time I have left.

The PRESIDING OFFICER. The Senator has 5 minutes remaining of his time.

Mr. LEVIN. I thank the Chair.

I just want to read from some letters from the private sector, from some parts of the private sector.

This is a letter from the Environmental Industry Associations. There are three associations that are part of a larger umbrella group. I understand this has about 2,000 total members. This includes the National Solid Waste Management Association, the Hazardous Waste Management Association, and the Waste Equipment Technology

Association. We all understand that the private sector is divided on this bill, that there are parts of the private sector—for instance, I understand the Chamber supports the bill—but there are parts of the private sector that are the most likely ones to be directly impacted that have a lot of problems with this bill.

I want to read from just one portion of the private sector. Again, this is three different subassociations that are represented here, about 2,000 members:

Notwithstanding provisions in the bill for parity of treatment between the public and private sectors for purpose of analysis—

And this is what my friend from Idaho was talking about, for purpose of analysis.

there seems to be an inconsistency in actual treatment between the two sectors because the legislation subject to the point of order vote applies only to Federal intergovernment mandates and not private sector mandates. We respectfully restate our basic concern that to exclude State and local government—but not the private sector—from the costs of compliance with unfunded mandates in conjunction with providing goods and services where both sectors compete would be both unfair and unfaithful to the core principles of the Job Creation and Wage Enhancement Act, of which S. 1 is the first piece.

So there is a significant portion of the private sector that very much is troubled by this.

I ask unanimous consent that the letter from those three associations that make up the Environmental Industry Associations be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL INDUSTRY ASSOCIATIONS,

Re: S. 1, Unfunded Mandate Reform Act of 1995.

January 9, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: I recently wrote you, December 22, 1994, on behalf of the Environmental Industry Associations (EIA) to provide you our viewpoint on the important matter of unfunded federal mandates. Now that we and other stakeholders in this debate have had the benefit of a Joint Committee hearing on this initiative, I want to provide you with additional comments as your bill goes to markup and an early floor vote.

We are pleased that the bill requires that the Congressional Budget Office (CBO) provide legislative authorizing committees and agencies anticipating rule promulgation detailed economic and competitive impact analysis on both intergovernmental and private sector mandates. Clearly, this is a major improvement to promote more informed and deliberate decisions by Congress on the appropriateness of federal mandates in a given instance. We are especially pleased that the accompanying CBO Report on federal mandates must include a statement of the degree to which the mandate affects both the public and private sectors and the extent to which federal payment of public sector costs would affect the competitive balance between State, local, or private government and privately-owned businesses.'' (Committee Print, page 14, line 3–9). Again, we voice our strong support for this centrist approach.

Notwithstanding provisions in the bill for parity of treatment between the public and private sectors for purpose of analysis, there seems to be an inconsistency in actual treatment between the two sectors because the legislation subject to the point of order vote applies only to federal intergovernment mandates and not private sector mandates. We respectfully restate our basic concern that to exclude state and local government—but not the private sector—from the costs of compliance with unfunded mandates in conjunction with providing goods and services where both sectors compete would be both unfair and unfaithful to the core principles of the Job Creation and Wage Enhancement Act, of which S. 1 is the first piece.

To ensure that there is a level playing field between the public and private sectors, we suggest that the term 'Federal intergovernmental mandate' beginning on Committee Print, page 4, line 22, be amended by including a new paragraph ''(C)'' following line 14, pages 6, that would read as follows:

(C) *The term 'Federal intergovernmental mandate' shall not include any mandate to the extent it affects the commercial activities (including the provision of electric energy, gas, water or solid waste management and disposal services) of any state, local or tribal government.*

We look forward to working with you in the months ahead by providing the views of our members on legislative initiatives in which they have an interest.

Sincerely,

ALLEN R. FRISCHKORN, Jr.,
President and CEO.

Mr. LEVIN. Mr. President, let me read a letter from Consumers Power Co. This is a major energy supplier in my home State of Michigan. This is dated January 11:

The Unfunded Mandate Reform Act of 1995 is intended to relieve State and local governments of unfunded Federal mandates. While we support the intent of the bill, Consumers Power Company has some concerns over the impact the bill would have on investor owned electric utilities and its customers. We believe it will have the effect of placing certain private companies at a competitive disadvantage with local governments when they provide identical services.

Consider, for example, that the private sector would be required to comply with Federal environmental mandates at costs creating intolerable competitive disadvantages, while the public sector would be excused from compliance because funding is not provided by the Federal Government. Compliance with Clean Air Act Amendments of 2001, should they pass, would be such a case. Should municipal utilities be exempt from NOx reduction requirements because the Federal Government does not pay for implementation?

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSUMERS POWER,
Washington, DC, January 11, 1995.

Hon. CARL LEVIN,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: The Unfunded Mandate Reform Act of 1995 (S. 1) is intended to relieve state and local governments of unfunded federal mandates. While we support the intent of the bill, Consumers Power Company has some concerns over the impact the bill would have on investor owned electric utilities and its customers. We believe it will have the effect of placing certain private companies at a competitive disadvantage with local governments when they provide identical services.

Consider, for example, that the private sector would be required to comply with federal environmental mandates at costs creating intolerable competitive disadvantages, while the public sector would be excused from compliance because funding is not provided by the federal government. Compliance with Clean Air Act Amendments of 2001, should they pass would be such a case. Should municipal utilities be exempt from NO_x reduction requirements because the federal government does not pay for implementation?

Senator Thad Cochran intends to introduce an amendment, as early as today, which would correct this unintended competitive disadvantage. We urge your support for the Cochran amendment which explicitly assures that where state and local governments engage in commercial activities, they must meet the same requirements as private firms offering the same product or service.

Attached for your review and consideration is the draft amendment language. Please call me or Mary Jo Kripowicz of my Washington staff should you wish to discuss this issue further.

Sincerely,

H.B.W. SCHROEDER.

Mr. LEVIN. So, Mr. President, a number of these amendments raise very important points. I, too, am glad that we finally have gotten to these kinds of amendments, and there will be a number of other amendments that are offered. But this is one of the most significant amendments for us to consider and worry about. However we vote on this amendment, I think each of us ought to be concerned about the possible competitive disadvantage that this bill is likely to place the private sector companies in that compete with the public sector.

I want to commend my friend from Connecticut for his tremendous work in this area and his concern for the private sector. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I am proud to yield 1 minute to the senior Senator from Idaho.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague, Senator KEMPTHORNE, for yielding. First of all, let me recognize the effort that he has put in now for, I guess, over 3 days on the floor to push an issue that the American people have spoken so clearly to, and I congratulate him for this effort and the work that goes on here to fashion this most important piece of legislation toward final resolution.

But I now speak specifically to the Lieberman-Kerry-Levin amendment of which, if you want to gut a good bill, here is where you start. This is the first substantive effort we have seen on the part of the other side to substantially change the course and the direction of this bill. Basically, the private sector has an opportunity to compete

with any segment of the public sector, and vice versa. And if you start making all of these broad exceptions, you create gaping holes in this legislation that you can drive billions of dollars through.

This amendment says that wherever there may be competition between the private and public sectors, S. 1 would not apply.

If this amendment actually did anything to stop the Federal Government from imposing mandates on the private sector, I'd be the first in line to cosponsor it.

This amendment would not stop unfunded mandates on the private sector. In fact, it would help Government go on imposing them.

As I understand it, since the private sector might conceivably compete for virtually any public sector activity, this amendment would make S. 1 meaningless. It would gut the bill.

As my colleague from Idaho has pointed out from his experience as a city mayor, the private sector competes with the public sector in a host of activities such as police services and fire services, planning services, prisons, education, recreation, civil engineering—to name only a few.

Under this amendment, unfunded mandates relating to activities or services like these would not have to comply with S. 1.

We are told that S. 1 would put the private sector at a disadvantage in competing with the public sector, because the private sector would have to pay for mandates it operates under, while the Federal Government would absorb the cost of any mandates on the public sector.

This amendment is based on wrong assumptions about S. 1.

S. 1 is a process reform that makes it harder to enact unfunded mandates on either the public or private sector and opens up the process to public scrutiny.

This amendment does not try to stop the Government from imposing costly mandates on the private sector. Instead, the amendment just exempts a huge class of mandates.

As a result, this amendment would remove the procedural speed bump that S. 1 puts in the path of those unfunded mandates.

In other words, this amendment will hurt the private sector by keeping it easy for the Government to impose unfunded mandates on either the public or private sector.

Exempting a long list of mandates from this bill just means making it easier for Congress and the Federal Government to continue putting the cost of mandates on somebody else's bill—and making it harder for Congress to find out ahead of time how much the mandate will cost the American people.

The process today is broken. It is biased toward irresponsibility. It frustrates information gathering. It prevents the American people from having a clear view of what decisions are being made by Congress and the Federal regulators.

S. 1 would end all that.

S. 1 gives us a tool to determine the actual cost of Government mandates before we are asked to vote on them.

For the first time in history, it will be standard operating procedure for CBO to analyze the cost of mandates on the private sector, and for Federal agencies to review the costs of mandates on the private sector.

Without a CBO estimate, a bill imposing unfunded mandates on the private sector would be subject to a point of order.

Most important, S. 1 changes the bias of the current system to make Congress and the Federal regulators accountable for the real outcome of their decisions, by giving the American people a clear view of the decisions being made.

American business understands all this. We have heard the letters from business leaders who are in the best position to evaluate the bill's impact on competition. Those letters support S. 1.

Exempting actions from S. 1 will not help any business in America. It will only keep a broken process in place.

If you think unfunded mandates on American business are unfair, you should support S. 1 and oppose this amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I just want to thank my colleague from Idaho. I am proud to be a partner with him.

Mr. LOTT. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. How much time is remaining on both sides?

The PRESIDING OFFICER. Five minutes for the Senator from Idaho and 27 minutes for the Senator from Connecticut.

Mr. LOTT. So at approximately sometime shortly after 5:30 or 5:35, we can anticipate a vote on this issue?

The PRESIDING OFFICER. 5:40 to be specific.

Mr. LOTT. Thank you, Mr. President.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I will speak on my own time. I say also to my friend from Mississippi that we may not consume all the time available on our side. There is one other Senator who has asked to speak in support of the amendment, and if he arrives on the floor, obviously, I will yield to him. Otherwise, I will speak for a brief time. I presume that my friend and colleague from Idaho will want to speak for a little bit. And if it is OK with him, I would like to wrap it up.

Mr. President, I do want to make clear here a few points in response to some of the opposition to the amendment. This is not some special exemption that we are creating. We are in fact trying to create an equality of enforcement of S. 1 to make it clear that it applies equally to the public and the private sectors, and that it does not, by setting a higher hurdle for so-called mandates on State and local governments, exempt them and put them at a competitive advantage in regard to, or in respect to private entities that are doing the same thing that they are doing.

I feel very strongly, Mr. President, that this amendment does not go to the heart of this bill. This bill, which I fully support, one, wants Congress to be forced to face an estimate of the costs of what we are about to do. It sounds as if we should have done it a long time ago, and we should have. What is rational or fair about passing a bill which requires other levels of Government or the private sector to take action when we do not know how much it will cost them? As much as we support some of the goals that are the subjects of legislation we adopt, we might decide that it is not worth it, that on a cost-benefit basis, it is not worth it.

My amendment leaves that intact. We will be forced to face the cost of potential legislation. CBO must give an estimate of the cost impact on both public and private entities of anything we are about to do.

The amendment, if passed, leaves the second point of order in place created by S. 1 so far as it relates to mandates specifically on State and local government for governmental functions where there is no private-sector competition. In my opinion, that affects the most significant and certainly the most costly mandates that we put on State and local governments. They still would be covered by S. 1, if amended by the amendment that we have put in. And it is just there in the dollars and cents. It was there in the testimony that I read from Governor Voinovich of Ohio and, indeed, from Senator BOND. When you look at the impact, the big-ticket items, the big-ticket mandates, the most costly mandates on the State and local governments are the ones that are uniquely on them—education and social services particularly.

The current occupant of the chair made the point there are other mandates we put on the States uniquely, and the motor-voter legislation, which the current occupant of the chair cited, is a good example. There is no private sector impact of that. In a sense that is the classic Federal mandate. We had a ''good idea,'' and we asked the States and localities to do it. We forced them to do it. But we did not give them the money to pay for it. And that would still, if my amendment passed, be required to pass the second hurdle, be subject to the point of order, and be

put on the track which would eventually lead to no money, no mandate. And that ought to be.

But when we are dealing with something that affects both the public and private sector, I just do not think it is right to lower the bar, the hurdle, for the public sector and keep it up here for the private sector. That is inevitably going to mean that the private sector will be put at a competitive disadvantage where they are playing a zero sum game as they are in so many clean air, clean water situations where you have a set level of pollution reduction that the public and private sector share. If we ask less of the public sector, the private sector is going to have to bear more of a burden and pay more of a cost. And ironically, and unintended, I know, is one of the consequences that I foresee, which is that, if this amendment were passed, it would inhibit the move toward privatization which so many of us support here, privatization of public functions, because a private entity performing a public function will be held to higher responsibilities, have higher costs, and therefore governments will be less likely to privatize because they will get this bargain.

So I think this is an amendment that is equitable. The underlying bill is very necessary, and the amendment does not diminish the impact of the underlying bill. In fact, it supports it and it supports it in a way that is more fair because it does not increase the burdens on the private sector.

Now, people who feel there are too many regulations generally, Federal regulations and Federal mandates, may think that if this passes in this form, because of the inequity that is being created between the public and private sector, the next step will be to remove mandates from the private sector.

I would respectfully suggest that is a big step which is not likely to follow, and therefore the private sector will be left holding the bag, paying the extra cost of this proposal. The reason I think that big step would not be taken is that then—and I speak as someone who has worked on market incentives for environmental protection and is concerned about deregulation—but if you started to talk about pulling off some of the regulations, then you are going to put in play a lot of laws that the public wants us to keep out there.

Mr. LOTT. Mr. President, will the distinguished Senator yield?

Mr. LIEBERMAN. I will be glad to yield to my colleague.

Mr. LOTT. Just for a little discussion and maybe a question.

I certainly respect what the distinguished Senator from Connecticut is trying to do. He always gives great thought to any amendment he pursues or any bill he supports, and he really has an impact when he does that.

I presume that the Senator is—I think I know the Senator well enough that he is for the concept of this legislation.

Mr. LIEBERMAN. The Senator is correct.

Mr. LOTT. The Senator thinks we ought to take a look at the costs of mandates we have been putting on State governments. Having been a State attorney general, he knows what is involved here, and I know he would like for us to review that and relieve the States and the local governments of some of these mandates that cost millions of dollars.

So I know the Senator does not want to undermine the basic purpose of this legislation, and the Senator does not want to in any way render it moot, as I believe I heard somebody say earlier here.

The thing that bothers me about the amendment, more and more, you are going to find that there are areas where both private and public are already involved. I believe the distinguished chairman of the Governmental Affairs Committee has indicated earlier that already you have private activities in the police departments, in fire departments, in public building inspectors, public road construction, public hospitals, and city attorneys compete with the private, fee-for-service attorneys.

So I was just rolling over in my mind as the Senator was speaking that there are so many public-sector services now, at both the State and the county and the city level, where you would have this private-sector competition and that so much of the bill might be in fact wiped out if we pass this.

How does the Senator respond to that? Because I am concerned about what the impact would be. We do not want to wipe out major portions of the bill because we know it is good. But with the potential impact that might have on the private sector, we do not want to kill the whole thing when you are trying in good faith to address a problem. When you analyze it, it looks to me as if almost everything could be covered here now.

Mr. LIEBERMAN. Mr. President, I appreciate the question from my friend, and it is a good one. Let me first state that not only is there not the intention to wipe out most of bill, I am convinced the impact of the amendment is not to do that. And let me assure my friend from Mississippi that I wish to support this bill. I was a cosponsor of S. 993 last year.

I was the attorney general of Connecticut before I came here. I believe in federalism. I know that the States have not been treated fairly in a whole host of mandates that we have put on them. But it is just the point that the Senator is making that is part of my argument. We are in a time now, I do not have to tell my friend, where we are quite appropriately reviewing the whole structure and focus and purpose of government, and taking a look at whether government is best suited to perform certain functions or whether the private sector can pick up those functions.

I am afraid that if we pass this bill unamended, without the amendment that I have put in, all the incentives go toward keeping governmental functions in the Government and not giving them over to the private sector, because the private sector is held to the higher standard. The public sector can be held to a lower standard if we do not fully pay the cost of any mandate. So, if I understand the Senator's question correctly, it is in fact because: First, I do not want to put the private sector at a competitive disadvantage and, second, I agree the Government has grown too big and we ought to figure out ways in which we can have private entities perform some public functions.

But this bill as it sits now will discourage that, as the school bus operators—I read a letter, before my friend was on the floor, from the school bus operators association, National School Transport Association where they urge support of this amendment because of their fear that the result of it, unintended, will be for fewer municipalities to contract with them to provide school bus service because the municipalities will not have to carry out Federal mandates regarding safety equipment on the bus so they will have a lower cost whereas the private school bus operators will have to carry that out.

So I repeat, I feel very strongly that this amendment does not gut the bill. The bill remains strong, very strong. And frankly it is revolutionary in its impact, forcing us to face the cost, setting hurdles, and including setting that high hurdle when we mandate that a State and local government perform a function uniquely. And that is where most of the dollars are that we mandate the State and local governments to pay.

So I urge my colleagues to consider supporting this bill across party lines. I think it is fair. It is good for the private sector. And it is good for the public, too, insofar as they are concerned about us protecting their health and safety.

Mr. President, I yield the floor at this time.

Mr. LOTT. Mr. President, I believe the distinguished sponsor of the legislation is perhaps ready to speak. How much time is remaining now?

The PRESIDING OFFICER. There is 5 minutes remaining to the Senator from Idaho, 10 minutes for the Senator from Connecticut.

Mr. LOTT. Does a quorum count against the time?

The PRESIDING OFFICER. Equally divided.

Mr. LOTT. Time would count. So at this point we could yield back time on either side and perhaps have the closing statements?

Are we ready? Could I ask the distinguished Senator from Ohio, are we ready to conclude the debate at this point?

Mr. GLENN. In just a moment. I think the distinguished minority leader, I believe, had indicated he might want to have a few words on this. We have sent word in to him that we are down to about the last 5 minutes so we might delay just a couple of minutes here.

Mr. LOTT. If that is the case, I do not believe the sponsor of the legislation would want to use his time.

Do you want to just put in a quorum and let it count? Or do you want to speak now?

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I will yield such time to myself as I may need.

Mr. President, a few points. No. 1, Senate bill 993, which I was a cosponsor of, principal sponsor last year—it was a very good bill. S. 1, much of the base of that is 993, but it is a new and improved version. I strongly support S. 1.

When we talk about this issue of competition between the public sector and the private sector—I will put my voting record up. For example, my ranking from the U.S. Chamber of Commerce is a 92 percent voting record in support of business issues; National Federation of Independent Business, 94 percent. I am not going to be part of any legislation that in any way is going to have an adverse impact on our business community. And I have not done that in S. 1.

One of the members of the business community I spoke with last week made this very, very good point—Bob Bannister, National Association of Homebuilders. He said, ''There is no such thing as an unfunded mandate. Everyone of them are funded but they are funded by tax dollars. We in the business community that are paying the taxes—we pay them.'' That is why the business community strongly supports S. 1 as written.

But now we have the amendment. I respect my colleague from Connecticut, but this amendment says that in those areas where there may be competition, then we are not going to allow this process to work. But that is what S. 1 is, it is a process.

Why would we not want to know the cost of some potential mandate before we vote? I think the people of America want us to know how much it is going to cost. What is the impact? And included in there is if in any way this creates some sort of adverse impact to the private sector—which are the ones paying the taxes anyway—we will know it.

The Senator from Massachusetts made the point, he said, and I am paraphrasing: If it creates a disadvantage to the private sector, he says, I think the people would say wait a minute.

Guess what? Now we will know, because of this process. And do you know who will say wait a minute on behalf of the people? Congress will. Because then we can come to the floor, and now it is not based on all of these scenarios that we have heard. It is based upon empirical data. Every one of these scenarios, as it has been pointed out, if they develop then this is where we resolve it: Majority rules. But it is the process that we know this ahead of time.

The Lieberman amendment will have the effect of eliminating from S. 1 any cost estimate for any conference reports, amendments or motions which contain mandates. The estimates on these only come from subsection C(1)(b) which the amendment makes inapplicable. So we are going to say, you know what, there just may be a lot of these problems out here. So rather than knowing that, rather than knowing how much it is going to cost, we would rather not know. So let us just wipe it out. That does not set well with me. That does not set well with mayors and Governors and county commissioners and schoolteachers throughout the United States nor our private sector partners throughout the United States.

Mr. President, I will ask unanimous consent to have printed in the RECORD the following letters. From the U.S. Chamber of Commerce—I will only read a line from each of these.

The U.S. Chamber of Commerce has loudly and wholeheartedly endorsed this legislation.

That is dated January 18, 1995.

A letter from W.M.X. Technologies, which is a large, large company dealing with the waste management issue.

I am writing to express our appreciation and support for your efforts in crafting the text of S. 1, the Unfunded Mandate Reform Act of 1995.

NFIB, National Federation of Independent Business:

On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor of S. 1.

The National Retail Federation:

On behalf of the Nation's retail community and its 20 million employees—1 in 5 U.S. workers—we are writing to commend you for your sponsorship of S. 1. . . . S. 1, which would restore accountability and responsibility at the federal level, is the strongest legislative initiative in which to counter this growing problem.

I do not think the American public realizes for how many years we have cast votes in this well on mandates to the citizens of this country and we never knew how much they cost. To this day we do not know because nowhere do we require it.

We will now, with S. 1. And at any point that you want to have a waiver of the point of order, just come to the floor and a majority rules and we waive the point of order. But we are going to start making informed decisions. We are not abdicating decisionmaking. We are enhancing decisionmaking through S. 1—a process.

Mr. President, I reserve the remainder of my time and ask unanimous consent the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL RETAIL FEDERATION,
January 4, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the nation's retail community and its 20 million employees—1 in 5 U.S. workers—we are writing to commend you for your sponsorship of S. 1, The Unfunded Mandates Reform Act of 1995. This legislation is the most effective way to confront the problem of unfunded federal mandates while simultaneously resuscitating the concept of federalism and giving the states back control of their budget obligations.

The problem is well documented and the solution is clear—unfunded federal mandates must end. Over the past decade, an unprecedented increase in unfunded federal mandates in environment, labor and education, to name just a few, has forced state and local governments to undertake actions that drain their resources and are often in conflict with the best interests of their citizens as well as our industry.

As representatives of the retail industry in each of the fifty state capitals, we have experienced first hand the profound adverse impact of unfunded federal mandates on our industry and our state's economic well-being.

Unfunded federal mandates are simply another Washington practice of circumventing a fundamental responsibility in governing, the obligation to bring desires into line with revenues. Such mandates are Washington's way to dictate to the states, even though it has exhausted its resources. S. 1, which would restore accountability and responsibility at the federal level, is the strongest legislative initiative in which to counter this growing problem.

Again, we sincerely appreciate your leadership on this important matter.

Sincerely,

Tracy Mullin, President, National Retail Federation; George Allen, Executive Vice President, Arizona Retailers Association; J. Tim Brennan, President, Idaho Retailers Association; Bill Coiner, President, Virginia Retail Merchants Association; Spence Dye, President, Retail Association of Mississippi; Bud Grant, Executive Director, Kansas Retail Council; Jo Ann Groff, President, Colorado Retail Council; John Hinkle, President, Kentucky Retail Federation; John Mahaney, President, Ohio Council of Retail Merchants; Charles McDonald, Executive Director, Alabama Retail Association; Grant Monahan, President, Indian Retail Council; Sam Overfelt, President, Missouri Retailers Association; Ken Quirion, Executive Director, Maine Merchants Association.

Lynn Birleffi, Executive Director, Wyoming Retail Merchants Assn.; John Burris, President, Delaware Retail Council; Bill Dombrowski, President, California Retailers Association; Janice Gee, Executive Director, Washington Retail Association; Brad Griffin, Executive Vice President, Montana Retail Association; Jim Henter, President, Association of Iowa Merchants; Bill Kundrat, President, Florida Retail Federation; William McBrayer, President, Georgia Retail Association; Larry Meyer, Vice Chairman & CEO, Michigan Retailers Assn.; Mickey Moore, President, Texas Retailers Association; Nick Perez, President, Louisiana Retailers Assn.; Dwayne Richard, President, Nebraska Retail Federation.

Bill Sakelarios, Executive Vice President, Retail Merchants Assn. of N.H.; Paul Smith, Executive Director, Vermont Retail Association; David Vite, President, Illinois Retail

Merchants Assn.; Melanie Willoughby, President, New Jersey Retail Merchants Assn.; Mary Santina, Executive Director, Retail Association of Nevada; Chris Tackett, President, Wisconsin Merchants Federation; Jerry Wheeler, Executive Director, South Dakota Retailers Assn.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, January 3, 1995.

Hon. DIRK KEMPTHORNE,
Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR DIRK: On behalf of the U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, and 1,200 trade and professional associations, I sincerely commend your hard work and tenacity on the ''Unfunded Mandate Reform Act of 1995,'' S. 1. The Chamber membership identified unfunded mandates on the private sector and state and local governments as their top priority for the 104th Congress. Accordingly, the Chamber supports this legislation and will commit all necessary time and resources to ensuring its passage early in this session.

I particularly want to thank you for responding to our concerns about the role of the private sector in this debate and the potential impact it could have had on the business community, especially small businesses. Your willingness to include the private sector in Title II of S. 1, ''Regulatory Accountability and Reform,'' and your recognition of the potential unfair competition issue between business and state and local governments, make this a much strong bill that can have a significant impact on the current regulatory burden.

Again, Dirk, we appreciate your commitment to this issue. I look forward to working with you to secure passage of S. 1 as well as other issues that we can join forces on for the 104th Congress.

Sincerely,

RICHARD L. LESHER.

SMALL BUSINESS LEGISLATIVE COUNCIL,
January 10, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: We wish to express our support for the Unfunded Mandates Reform Act of 1995, S. 1, and urge you to vote for it. In particular, we strongly support the provision requiring the Congressional Budget Office to conduct an analysis of the direct cost of proposed mandates on the private sector.

Several years ago, we arrived at the conclusion that many of our ''regulatory'' problems were actually ''legislative'' problems. Congress had effectively assumed the role of regulator. Therefore, we concluded, the analysis of new ''regulatory'' requirements should begin during the legislative process. In effect, we argued that Congress should impose upon itself, the discipline of the Regulatory Flexibility Act.

For this reason, in addition to our general concerns about unfunded mandates, we support this legislation. It is important that Congress understand fully, the economic consequences of its actions on small business, in a timely manner. Small business is at the regulatory braking point. All too frequently, small business owners tell us, ''I am not sure I can advise my son or daughter to join me in the business. It is not worth it, the hassles outweigh the joys. They just might be better off working for someone else.'' That is not a healthy trend for the country.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of nearly one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of small businesses in such diverse economic sections as manufacturing, retailing, distribution, professional and technical services, construction, tourism, transportation, and agriculture. Our policies are developed through a consensus among our membership. Individual associations may express their own views. For your information, a list of our members is enclosed.

Sincerely,

JOHN S. SATAGAJ,
President.

MEMBERS OF THE SMALL BUSINESS
LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Floorcovering Association.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Travel Agents, Inc.
American Sod Producers Association.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Association, Inc.
American Warehouse Association.
American Wholesale marketers Association.
AMT-The Association for Manufacturing Technology.
Apparel Retailers of America.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Association of Truck Stop Operators.
National Association of Women Business Owners.
National Chimney Sweep Guild.
National Association of Catalog Showroom Merchandisers.
National Coffee Service Association.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Venture Capital Association.
National Wood Flooring Association.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Passenger Vessel Association.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Professional Lawn Care Association of America.
Promotional Products Association International
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.

JANUARY 10, 1995.

DEAR SENATOR: On behalf of the broad-based coalition listed below, representing millions of hardworking, tax paying voters, we urge your strong support of S. 1, the Unfunded Mandates Reform Act of 1995. Congress must begin to control the ''unfunded mandates'' crisis facing America today.

Our members are quite concerned over the burgeoning number of federal mandates imposed on state and local governments which lack adequate financial assistance for development, implementation and compliance. Without adequate funding, states and localities are forced to pass on these costs and the true financial burden is shouldered by private business and citizens through fees and taxes.

S. 1, a bi-partisan effort sponsored by Senator Dirk Kempthorne (R-ID) and John Glenn (D-OH) and supported by a majority of the Senate, is the critical first step to controlling the unfunded mandates crisis. This bill requires the non-partisan Congressional Budget Office (CBO) to analyze new legislation and determine the cost of any proposed mandate imposed on state and local governments. The bill also requires CBO cost estimates for impacts on the private sector. If these estimates are not completed, any proposed legislation may be ruled out of order.

This bill does not halt government actions. It is an important educational tool for Members of Congress who need to know the financial impact of legislation being considered before voting on it.

Now is the time to act. Support S. 1 without weakening amendments and begin to alleviate the burden of unfunded federal mandates.

Sincerely,

Associated Builders and Contractors, Inc.
Building Owners and Managers Association.
Denver Regional Transit District.
International Council of Shopping Centers.
National Association of Home Builders.
National Association of Real Estate Investment Trusts, Inc.
National Association of Realtors.
National Restaurant Association.
National School Transportation Association.
Small Business Legislative Council.
U.S. Chamber of Commerce.
Washington Metro Area Transit Authority.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC January 10, 1995.

Members of the U.S. Senate:

The Senate is scheduled tomorrow to consider S. 1, the ''Unfunded Mandate Reform Act of 1995.'' On behalf of the U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 72 American chambers of commerce abroad, I strongly urge you to vote ''YES.'' The Chamber will include this vote in its annual ''How They Voted'' vote ratings.

The U.S. Chamber conducts a survey of its membership each congressional cycle to determine the most important legislative issues for the coming Congress. This year, the Chamber membership identified unfunded mandates on the private sector and state and local governments as its number one issue for the 104th Congress. We believe that the coverage S. 1 provides for the private sector represents a significant step forward in our ongoing battle to tame federal regulatory burdens. Accordingly, we have endorsed S. 1 and are devoting all necessary time and resources to secure its passage.

All the private sector seeks in this debate is information and accountability. We do not seek federal funding for any private sector mandate. Our goal is to ensure that before any significant legislation can be passed or any major regulation imposed on the private sector, a cost impact analysis be done and made public. We also seek, at a minimum, a requirement that before any public sector mandate is funded, an analysis of the potential for unfair competition between the public and private sectors in the provision of the same goods or services is provided and aired. Our intent is to secure full and honest debate and to allow the public to communicate to Washington where their limited resources should be spent. Every day, American business and households, as well as state and local governments, have to consider the impact their actions have on their own bottom lines. Congress and federal regulators also should be required to consider the financial impact of the mandates they impose.

This issue is about good government, jobs, and competitiveness. The business community recognizes that state and local governments struggle with such basic necessities as funding for additional police officers, ambulances and schools because an increasing portion of their budgets go toward complying with unfunded federal mandates So too do businesses struggle—particularly small buuinesses—with generating jobs, making their businesses grow, and sometimes just staying in business.

NATIONAL ASSOCIATION OF
WHOLESALER-DISTRIBUTORS,
Washington, DC, January 11, 1995.

Hon. [Name],
U.S. Senate,
Washington, DC.

DEAR SENATOR [Last Name]: Shortly you will be called upon to consider S. 1, ''The Unfunded Mandate Reform Act of 1995.'' As you know, in addition to addressing unfunded mandates imposed on state and local governments, the legislation includes a requirement that the Congressional Budget Office conduct a cost-impact analysis whenever Congress wants to impose an unfunded mandate of more than $200 million on the private sector. On behalf of the 45,000 companies represented by the National Association of Wholesaler-Distributors (NAW), we strongly urge you to fight for passage of S. 1 as drafted, and oppose any efforts to remove or weaken the private-sector coverage language.

Clearly, S. 1 will force Congress to confront the real world impact of unfunded mandates on the millions of businesses, and their employees, that drive our economy, and who must implement and pay for the laws, rules and regulations that are imposed on them by Washington. Indeed, your support for S. 1 with its strong private sector coverage provisions, will tell every employer and employee in [State] and across the country that before considering an unfunded mandate you will carefully review the costs to American business associated with that mandate. This, in our estimation, represents sound government policy, sound business policy and sound economic policy.

With thanks for your consideration and best regards.

Cordially

DIRK VAN DOGEN,
President.
ALAN M. KRANOWITZ,
Senior Vice President.

BROWNING-FERRIS INDUSTRIES,
Washington, DC, January 11, 1995.

Hon. DIRK KEMPTHORNE,
Dirksen Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: We appreciate the attention you have given to views we previously expressed in connection with unfunded mandates legislation. We expressed our previous views at a time when one of our concerns was that unfunded mandates legislation could have retroactive effect. It is evident that S. 1 has a prospective effect only, which we understand was your intent all along.

After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S. 1 is creation of a favorable climate for the private sector. In fact, S. 1 seeks creatively to address the concern expressed in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place. Moreover, after many years of experience in working with you—most of them prior to your tenure in the Senate—BFI is convinced that your dedication to free enterprise is unsurpassed.

With your commitment to assure equality for the private sector—no more, but no less—where competition exists between the public and private sectors, we are pleased to strongly support S. 1.

Sincerely,

RICHARD F. GOODSTEIN.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, January 3, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR DIRK: On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor of S. 1, the unfunded mandates legislation, when it is considered by the Senate in January.

Unfunded federal mandates on the states and local governments end up requiring these entities to raise taxes, establish user fees, or cut back services to balance their budgets. Small business owners are affected by all of these actions.

Between 1981 and 1990, Congress enacted 27 major statutes that imposed new regulations on states and localities or significantly expanded existing programs. This compares to 22 such statutes enacted in the 1970s, 12 in the 1960s, 0 in the 1950s and 1940s, and only two in the 1930s. The Congressional Budget Office estimates that the cumulative cost of new regulations imposed on state and local governments between 1983 and 1990 was between $8.9 billion and $12.7 billion. These include environmental requirements, voters registration requirements, Medicaid, and others.

It was not the states and cities who paid roughly $10 billion in unfunded mandates during the 1980s; it was taxpayers—small business owners as well as everyone else. In June 1994, a poll of all NFIB members resulted in a resounding 90% vote against unfunded mandates.

I urge you to strongly support S. 1.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

WMX TECHNOLOGIES, INC.
Washington, DC, January 12, 1995.

Hon. DIRK A. KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: I am writing to express our appreciation and support for your efforts in crafting the text of S.1, The Unfunded Mandate Reform Act of 1995.

As you know, WMX Technologies, Inc. is the world's largest environmental services company. In the United States, the WMX family of companies provides municipal solid waste management services in 48 states. These services include 132 solid waste landfills and 15,000 waste collection vehicles serving approximately 800,000 commercial and industrial customers as well as 12 million residential customers and contracts with nearly 1,800 municipalities. In addition, our 14 trash-to-energy plants produce energy from waste for the 400 communities they serve. Finally, our recycling programs provide curbside recycling to 5.2 million households in more than 600 communities and to 75,000 commercial customers throughout the United States.

We provide these services in a heavily regulated and highly competitive environment. In many cases, State, local and tribal governments are our valued customers, while in others they enter the market and provide

services as out competitors. While we do not object to their entry into the market, we have consistently sought to ensure that there is a level playing field upon which we can all compete fairly in the marketplace. For this reason, we have been keenly interested in efforts to ensure that the private sector is not competitively disadvantaged by unfunded mandate legislation that would preferentially relieve public sector participants from the costs of complying with Federal mandates.

WMX is deeply grateful to you for your sensitivity to this potential difficultly and your willingness to work with us to resolve it. We are confident that the legislation and amendments you will support on the floor of the Senate will provide the necessary safeguards to avoid unintended adverse impacts upon the private sector.

We look forward to working with you and your staff on this and other matters of mutual concern.

Sincerely,

FRANK B. MOORE,
Vice President
for Government Affairs.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, January 18, 1995.

LETTERS TO THE EDITOR,
New York Times, West 43d Street, New York, NY.

TO THE EDITOR: Your editorial in today's paper, ''What's the Rush on Mandates?'' categorically misrepresents the position of the U.S. Chamber of Commerce on the unfunded mandates legislation pending before Congress.

Over a year ago, we began working with Senator Kempthorne and Representative Clinger, the respective leaders on this issue in the U.S. Senate and House of Representatives, to ensure comprehensive coverage for the private sector. We have nothing but praise for their leadership on this issue and for their openness to the concerns of the private sector. Indeed, when we brought the issue of the potential for unfair competition to their attention (caused when only the public sector receives funding for mandate compliance in an area where they compete with businesses), they responded immediately by including language in both the Senate and House bills to specifically require Congress to address this issue.

The U.S. Chamber of Commerce has loudly and wholeheartedly endorsed this legislation and has committed all necessary time and resources to ensuring its passage and successful implementation. Contrary to your reporting, every communication we have sent to both Congress and our membership federation of 220,000 on this issue since the advent of the 104th Congress emphatically states our support for quick passage of this legislation.

Sincerely,

R. BRUCE JOSTEN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I do want to respond to my friend from Idaho and say it is certainly the intention of the sponsors of the amendment—I am confident the desired impact of the sponsors of the amendment—to leave most of the contents of requirements of S. 1 intact, including the requirement that there be a Congressional Budget Office analysis of the cost of every Federal law which might result in a mandate on public and private entities, and that a measure would be subject to a point of order—a point of order would lie if there was not such an estimate.

So we want to keep those facts in there, and we want to keep the second point of order in there with regard to the mandate that would impact State and local governments in the capacity of State and local governments, unique as it is, when they are not competing with anyone from the private sector. All we want to do here is to say that it is unfair to lower the bar on State and local governments when they are performing a function pursuant to a mandate that the private sector is also performing.

Yes, the Senator from Idaho is correct, this is just a point of order. But a point of order is more than just a point of order. It sets up here a two-track system, and we are saying to State and local governments, ''You have the opportunity to put yourself on a course that says no money, no mandate, no responsibility,'' while the private sector has to pay the cost of fulfilling that mandate regardless.

Mr. President, I ask unanimous consent that the Senator from Illinois, Ms. CAROL MOSELEY-BRAUN, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I yield such time as he may need to the distinguished Democratic leader.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Connecticut and commend him for the amendment.

I have watched the debate and am very moved by his arguments. I hope our colleagues will support the amendment. It is a crucial amendment, in my view, to improving the quality of this legislation.

As the Senator was just indicating, as currently written, this bill could create unfair competition between the public and private sectors by creating a presumption that public sector costs to comply with mandates should in nearly all cases be subsidized by the Federal Government.

In some cases, Federal mandates will affect both the public and private sectors in similar and, in many cases, nearly identical manners. The costs of compliance with minimum wage laws or environmental standards are incurred by both the public and private sectors.

Subsidization of the public sector in these cases could create a competitive advantage for activities performed by the public sector as it competes with the private sector in the same markets.

In the past few weeks, there have been a number of efforts made by both majority and minority staff to develop a compromise on this issue. I appreciate the work by Senator KEMPTHORNE to deal with this problem. He and others on the Republican side of the aisle recognize the potential problem here and have worked in good faith to address it.

I felt that we were close to a solution with an agreement that language would be included in the committee report that would have clearly stated the policy of the Congress that where mandates would affect the public and private sectors equally, and where Federal subsidization of the public sector would competitively disadvantage private businesses, a Federal subsidy should not be provided.

At least this would have established a basis for a Senator to go to the floor and argue for a waiver of the point of order in such cases.

Unfortunately, when the final committee reports were filed, the language that we had proposed to address this situation was substantially weakened. No strong statement of such policy was included to clarify that Congress should not be expected to subsidize the public sector to the detriment of the private sector.

Such a statement of policy is clearly needed in this bill. The pending amendment will provide that statement by establishing a well-considered and reasonable exclusion.

The exclusion is not intended to create a massive loophole, as some Members have suggested. It merely ensures that the competitive balance between the public and private sectors be maintained.

I urge my colleagues on both sides of the aisle to support this wise and fair amendment.

Mr. President, I think the Senator from Connecticut and others who have put a great deal of effort into structuring this amendment have thought through many of the very difficult obstacles that we face as we address this bill.

We want to support this bill. We want to find ways in which to address what we consider some of the shortcomings. Certainly as we consider some of the most significant problems with the implementation of this legislation, this is one of the most serious issues of all.

So, again, I hope our colleagues will see fit on both sides of the aisle to find a way to support this and to recognize its importance. It is important. We ought to pass it. I hope we can pass it this afternoon.

I thank the Senator for yielding. I yield the floor.

Mr. LIEBERMAN. Mr. President, I inquire of the Chair how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 4 minutes, and the Senator from Idaho has 1 minute.

Mr. KEMPTHORNE. Mr. President, I appreciate this discussion. This is what we ought to be doing.

Just for clarification of the Lieberman amendment, where competition exists, paragraph B does not apply. So in the bill, on page 21, line 24,

all of page 22, all of page 23, page 24 down to line 21, it is exempt.

So, again, I think that we have stated the case. Why would we not want to go through the process of knowing what the cost is, the impact, and if there is some adverse impact with the private sector? I think the American public wants us to know that information so that we can discuss that and then the majority can rule. At any point you can seek a waiver and say, ''No; in this case, we don't need to do that.'' But rather than inventing all of these scenarios, let us let the will of the Senate work by giving them a process that will enhance that.

Mr. President, I ask unanimous consent that immediately following the next rollcall vote Senator BIDEN of Delaware and Senator KEMPTHORNE from Idaho be allowed to engage in a colloquy not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I want to thank my friend and colleague from Idaho for what has been a very good, substantive debate and to make two points.

One, he is right that this amendment would have that effect regarding section (1)(B). So we remove from any mandate that equally affected the private and public sectors the requirement of section (1)(B), but it leaves (1)(A) intact. (1)(A) is the requirement to report the cost of any bill before the Senate can act on it. It says very simply it shall not be in order in the Senate to consider any bill or joint resolution that is reported by the committee unless the committee has published a statement of the director of CBO on the direct cost of Federal mandates in accordance with this proposal. So that remains intact. The evidence will be there.

Finally, I want to say this to my friend from Idaho. I think that he and Senator GLENN have done extraordinary work here. This measure, S. 1, really would force us finally to do what we should have done a long time ago. I sincerely believe that the passage of this amendment that I have offered leaves almost all of the intent of the bill intact, and certainly that part that imposes the most serious cost on State and local governments.

I think, with the amendment passed, the bill is a better bill. And may I say with thanks and appreciation to the Senator from Idaho, if we pass it with the amendment it is a truly historic accomplishment and will begin to dramatically affect the way in which we behave here and force us to behave in a much fairer way to our friends in the State and local and private sectors who have to live with the laws that we adopt.

Mr. President, I thank the Chair. I yield the remainder of my time.

Mr. KEMPTHORNE. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho to lay on the table the amendment of the Senator from Connecticut. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [MR. LEAHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont [Mr. LEAHY] would vote ''no.''

The PRESIDING OFFICER (Mr. BENNETT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—53

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Chafee	Hatfield	Roth
Coats	Heflin	Santorum
Cochran	Helms	Shelby
Cohen	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Kassebaum	Specter
DeWine	Kempthorne	Stevens
Dole	Kyl	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Warner
Frist	Mack	

NAYS—44

Akaka	Exon	Lieberman
Baucus	Feingold	Mikulski
Biden	Feinstein	Moseley-Braun
Bingaman	Ford	Moynihan
Boxer	Glenn	Murray
Bradley	Graham	Nunn
Breaux	Harkin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Kennedy	Robb
Campbell	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Levin	

NOT VOTING—3

Johnston	Leahy	Thurmond

So, the motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware [Mr. BIDEN] and the Senator from Idaho [Mr. KEMPTHORNE] are to be recognized for up to 10 minutes.

DELEGATION OF CONSTITUTIONAL AUTHORITY BY CONGRESS

Mr. BIDEN. Mr. President, I thank the Chair.

Mr. President, yesterday, or maybe even the day before yesterday, I responded to an assertion that I thought was overbroad—not made by the Senator from Idaho but by another Senator—as to what was within the constitutional authority of the Congress to delegate or not delegate in terms of legislative power. Mr. President, I got into this discussion about the constitutional issue and separation of powers issue, of how much we could and could not delegate and whether or not particular sections of this legislation, in fact, exceeded the constitutional authority we had to delegate power.

Before I begin this colloquy, I want to thank the Senator from Idaho and his staff for spending the time with me and going through it. Mr. President, this bill adds a new section to the Budget Act, section 408(C). That section, as I understand it, provides that a simple majority point of order shall lie against any authorization bill that imposes a mandate unless the authorization bill provides for the possibility that the Appropriations Committee may not appropriate the estimated cost set forth in the authorization bill to pay for the mandate.

Section 408(C) provides that the authorization bill must deal with that eventuality by designating a responsible Federal agency and by establishing criteria and procedures for that agency to scale back the mandate to match the funds that the Appropriations Committee has provided, or to declare the mandate to be in effect.

Now, let me ask my friend from Idaho, what would happen under this provision, and the provision I am referring to is section 408(C), if an authorization bill imposed a mandate, named a responsible Federal agency to implement the mandate, but did not provide any criteria at all for the agency to use in scaling back the mandate or declaring it ineffective? Would a point of order in section 408(C) lie in that case?

Mr. KEMPTHORNE. Mr. President, I say to my friend from Delaware, yes, that the point of order would lie.

Mr. BIDEN. Now, further, I ask my friend from Idaho, what if the authorization bill did claim to set out criteria and procedures for the responsible Federal agency but those criteria said in effect, ''Federal agency, do what you think is right if the Appropriations Committee does not fund the full amount set forth in the authorization bill.'' Would a point of order lie in that circumstance?

Mr. KEMPTHORNE. Mr. President, yes, it would.

Mr. BIDEN. Mr. President, I thank the Senator from Idaho for his answers. I do appreciate them.

Mr. KEMPTHORNE. Mr. President, I would like to pose a question to my friend from Delaware. That is, can my colleague and ranking member of the Judiciary Committee tell me if his constitutional concerns regarding the delegation of authority to executive

branch agencies in this section have been satisfied?

Mr. BIDEN. Mr. President, the answer is yes.

As this colloquy has helped show, at least from my perspective, section 408(C) provides that authorization bills that impose a mandate and delegate authority to a Federal agency shall include criteria and procedures to guide the Federal agency's actions. To the extent that an authorization bill contains such criteria and procedures, it increases the likelihood that the delegation of authority is constitutional. To the extent that such a bill lacks appropriate criteria and procedures, it increases the likelihood that the delegation is unconstitutional.

The Senate could, of course, vote to overrule any point of order raised on this basis. But that does not necessarily mean that the delegation is constitutional because the Senate overruled a point of order. The ultimate question of constitutionality is for the courts to decide. Of course, ultimately, all these questions of the constitutionality of a delegation of authority through an executive agency are through the courts.

I am satisfied that the attempt has been made in the legislation to meet the constitutional requirements. I thank my colleague, the Senator from Idaho, for making these points clear to me. As far as I am concerned, on this point, I have no further concern.

Mr. KEMPTHORNE. Mr. President, I say to my friend from Delaware how much I appreciate his looking into this issue and sitting down so that we could go through this point by point.

Because of the universal respect for your legal ability, that was important to me. So I appreciate that the Senator made that effort, and I appreciate that the Senator has entered into this colloquy so we can, I hope, lay this issue to rest. It allows Members, again, to move forward on this bill, which is so important to all Members.

I do thank and show my respect to the Senator from Delaware.

Mr. BIDEN. Mr. President, I thank my colleague from Idaho for his overly generous references to my legal abilities.

In the event that the next election does not turn out as I wish, I hope everyone listened to it. And I wish it were true, although it is not warranted. I appreciate the sentiment.

Mr. BYRD. Mr. President, will the distinguished Senator from Idaho yield?

May I say that I, too, have great respect for the opinion and viewpoints of our friend from Delaware, the ranking member of the Judiciary Committee. He teaches courses in law, and has served as the chairman of that Judiciary Committee for many years.

And what he says carry great weight with me. But I must say that this Senator's concerns are not allayed. I will expound upon those concerns in due time, and I also expect to have an amendment prepared, and perhaps a couple of amendments, which, if agreed to, will allay my concerns.

Mr. KEMPTHORNE. I thank the Senator from West Virginia.

Mr. LEVIN. I wonder if the Senator will yield briefly on this point and my friend from Delaware will also perhaps engage me in a colloquy, because I also have some continuing concerns on this issue, although I do think there has been some significant clarification.

The PRESIDING OFFICER. Does the Senator yield to the Senator from Michigan?

Mr. KEMPTHORNE. Yes, Mr. President, I yield but retain my right to the floor.

Mr. LEVIN. My question would be this: The word ''specific'' is not in here. Would this be clearer, does the Senator from Delaware believe, if the word ''specific'' were added before the words ''criteria and procedure''?

Mr. BIDEN. Mr. President, if I may respond, the answer is yes. I do not think it is necessary, but it would not do any damage to the section.

Again, I do not want to take too much time, but if you look at the case law here, the real issue is not whether or not we can delegate authority, it is how much authority can we delegate and with what specificity do we delegate.

So to the extent that we demand specificity, it increases the prospect that whatever authority is delegated is constitutionally permissible. That is why I said in my colloquy with my friend from Idaho that to the extent that an authorization bill contains such criteria and procedure, specific criteria and procedure, to the extent it does, it does not make it constitutional, it increases the prospects that it will be constitutional. To the extent that it lacks specificity, it diminishes the prospect that it would be held to be constitutional.

So neither the Senator from Idaho nor I, I believe, are asserting that this does not have the potential to raise a constitutional question, but merely to suggest, and I would refer —maybe what I should do before this bill is finished is refer to some of the case law that I think indicates that it is likely—likely—that the Court would, in fact, rule that we have not delegated authority beyond what we are constitutionally permitted to do.

And to relate to the degree of specificity, I have no objection. It is not my bill, so it is presumptuous of me to suggest what should and should not be added. I have no objection it be added. I think it strengthens it marginally without in any way weakening the intent of the legislation.

Mr. LEVIN. I thank my friends from Idaho and Delaware.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Idaho has the floor.

Mr. KEMPTHORNE. Mr. President, thank you.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 169 TO AMENDMENT NO. 31

(Purpose: To ensure Federal agencies provide a written estimate of the costs private sector mandates on the private sector during the regulatory process)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. DOMENICI, and Mr. SHELBY, proposes an amendment numbered 169.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment, add the following:

(6) Notwithstanding any other provision of this Act, an agency statement prepared pursuant to Section 202(a) shall also be prepared for a Federal Private Sector Mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

Mr. NICKLES. Mr. President, first, I wish to compliment the leaders of this legislation, Senator KEMPTHORNE and Senator GLENN, for their patience and for their diligence in pursuing a piece of legislation which I think is very much needed and is a very good piece of legislation. They have taken giant steps toward eliminating unfunded mandates on public entities.

This legislation says if we pass legislation, we should know how much it costs on public entities, and if we are going to mandate something on a public entity that if we do not provide the funding that a point of order can be raised to stop that mandate. I think that is a good step. We should know what it costs and, frankly, if we are not going to provide the funding, we should have some capability to stop it, and this legislation has done that and I compliment the authors.

The legislation also says that if we have legislation pending that has a negative or has an impact on the economy of over $200 million on the private sector, that CBO should score it; CBO should tell us what that impact is before it becomes final. I think that is good. If we are going to pass legislation, if we are going to make laws, we should know what its impact is on the economy before it is too late. Maybe the impact is positive, maybe it is negative, but we should know what it is. I think that makes us a lot more accountable. Hopefully, it will make us better legislators. So I think that is a very good provision.

The legislation also says that regulatory agencies, if they are going to implement regulations that would have an impact on the public sector of over

$100 million, they should at least identify what that cost is. So if you have the EPA or OSHA or if you have any other regulatory agency make a regulation that has a negative impact or a positive impact on the public sector—State, city governments—we should know what that cost is if it exceeds $100 million.

The amendment that Senator DOMENICI and myself and Senator SHELBY offered, and in which others have an interest, would go a step further and says if the regulatory agencies make a regulation that has a negative impact on the private sector of over $100 million, we should know what that cost is, too.

In other words, the legislation does a great job in identifying costs and unfunded mandates from the legislators, from Congress, and it does a good job from the regulatory side in at least identifying the costs—not prohibiting it but at least identifying the costs from the regulatory side—as it impacts the public sector, but it is silent right now as far as the regulatory impact on the private sector.

That is what our amendment would do. It would say—and it does not prohibit the regulatory agency from implementing it, it says they would have to identify the cost.

I think it is a good amendment. It is one with which I hope my colleagues can concur.

I thank my friend and colleague, Senator DOMENICI, for his leadership because actually we have been working on this now for a couple of years. This is supported very, very strongly by all the business sector, all the private sector. I think it is an amendment that should receive unanimous support.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

UNANIMOUS-CONSENT REQUEST

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there be 60 minutes of debate on the Nickles amendment No. 169, equally divided between Senators NICKLES and GLENN, and at the conclusion or yielding back of time, a vote occur on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Reserving the right to object—and I will object—we have objection on our side to proceeding with that time limit at this time. We might be able to agree to it later but not now.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I join Senator NICKLES in urging the Senate adopt this amendment. I do not know how many Senators have participated with numbers of small business people in their States, but I happen to be a fortunate one.

I set up a little project in my State. I called it Small Business Advocacy Council, and asked five small business leaders to head it from all over the State. Then we proceeded to invite groups of small businesses to five different parts of New Mexico for 2 to 4 hours to talk about the regulatory processes of this country as it applied to their well-being, to their businesses, to their ability to have more jobs and grow, and whether the regulations were reasonable and made common sense.

I was absolutely dumbfounded to hear with almost one voice, regardless from what sector—whether they were retailers, realtors, manufacturers, service businesses—with one voice, they were saying three things: One: ''Senator, the Federal Government's bureaucratic agencies enforcing regulations treats us as if we are their enemies, not constituents, not customers, not taxpayers, not small business people earning a living and paying people, but as if we are their enemies.''

I say this loud and clear: I do not have an answer to that. This amendment will not answer that. But I tell you, it is part of this great motion out there against big government. It is as much a part of big government ought to get littler as the literal size of government is being attacked.

Second, I regret to tell you that, again, with almost unanimous feeling, the three agencies of this Government that are most adversarial, less friendly, and thus for some less American happen to be OSHA, the Environmental Protection Agency, and the IRS. Now, frankly, I did not think the IRS was still in there since we reformed the tax laws, but they are, I say to my friend. They are right up there as the agency that treats people as if they were aliens, illegal, enemies.

Then the second thing that was harmoniously spoken about, nobody has a chance of looking at these regulations to see if they make sense and to see how much they cost. They cited innumerable examples of both unreasonable regulations and legislation that costs so much money that if slightly changed toward common sense could dramatically reduce the cost on people, on businesses, on our livelihood and our entrepreneurial advantage called opportunity America.

The third was, why does not somebody look at these before they adopt them—loud and clear—these regulations?

Now, again, we will through the year, under the leadership of Senator NICKLES and others, address these issues in a more specific manner as we talk about overregulations, unpropitious regulations, regulations that make no sense. But we can at least in this bill, which purports to try to help small business in some way, require that we know how much they are going to cost; that is, regulations to be promulgated and rendered effective against American business, whether it be in Idaho, Utah, Oklahoma, New Mexico, or New York.

All this amendment does is say to the regulatory processes of this country, if a regulation is going to exceed $100 million, you must weigh it and tell us about its economic disadvantages.

Now, frankly, some may say we are not going to be able to do that in every case. We may not. But just as it is time to reorient our Federal Government versus our cities and States and counties in something we choose to call, again, refederalism, a new partnership, a return to the 10th amendment, which said we are not supposed to be doing so many things up here, we ought to do the same thing for small business to the extent that we can. We ought to be more understanding and more in partnership with them than adversarial. And a very simplistic, but, I believe, necessary approach to that, is to say these kinds of regulations are going to be measured in terms of their dollar impact, or cost is another way to say it, cost to American business, be it in your State, Mr. President, or mine, or in California. All total, a $100 million impact is to be noted as to its effect on competitiveness, its effect on other aspects so it is more apt to be vested with something very, very simple, and that is that we understand before we do it because we have some evaluations, so we act with knowledge.

If we acted with knowledge of the impacts, I do not think my group in New Mexico, the small business advocacy group, in its four or five hearings with a lot of business people, would be telling us the horror stories we hear, nor would they be harboring the animosity, anger, and anguish they hold toward their own Government today.

Anybody who thinks that does not exist is just not talking to them. And anybody who thinks that is just because they do not want anybody to tell them what to do on anything is just not talking to the responsible business people I have been talking to. They just do not want to be treated irresponsibly. They want to be treated responsibly.

While I say we are not going to do that with specificity, we are not going to have a new approach to the whole regulatory process, we are not going to have a new approach which I believe we should have to receive input from those affected, we are not going to have statewide councils that might look at these regulations and report before they become effective so we might have some common sense, these are ideas that came out of these conferences of which I spoke. They are good ideas. We ought to do them. We ought to even consider on the regulatory process having them evaluated on an annual basis by an outside group for customer satisfaction.

Every businessman that serves a lot of people does that, has a private company come in and in a random way ask: Did we do what we said when we said we would take your $138 and fix your car? Did we treat you right? They get

graded so the businessman knows if they are customer friendly.

We do not have a chance of doing that with Federal regulations. Maybe we will in the future. Let us take one small step today and put small business in this bill. If we are going to affect them nationally over $100 million, let us get the impact of that in ways that are understandable. We may have to develop a few new techniques, but it is sure worth it to get started down that path just as much as it is for the public sector.

I thank the Senator for letting me join, and I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the problem of regulatory review is one that goes across the length and breadth of the whole Government, as we are all aware. We can pass all sorts of laws in the Senate or the Congress, the House of Representatives, whatever; we can pass all sorts of laws and then we pass them over to the executive branch to have the rules and regulations written, and sometimes the way things come out is completely different than what we expected when we passed the legislation. So regulatory review is a most important item with which we have to deal.

Now, I have been working in this area of regulatory review on the Governmental Affairs Committee for a long time, for a number of years, and I am very concerned about it. I compliment my colleagues from Oklahoma and from New Mexico for the work they have done and the interest they have taken in this particular area, and I think that is great.

I had originally thought that perhaps I would oppose this on one ground and that is—not on substantive grounds but on the fact that I have legislation that will be in hearing on February 8 by the Governmental Affairs Committee. It is S. 100. It is a bill that deals with regulatory review in general all across Government. I hope we will take a broad view of this and make more sense out of regulatory review than the way we run it now.

We worked with IRA, Information and Regulatory Affairs, through the years, and OMB, through the last two administrations and this administration, and we hope that the new legislation will make more sense out of regulatory review across the whole length and breadth of Government, and make sure that we do not just let the regulation writers proceed without some bridle on them as far as ignoring the costs to public and private interests out there all across the country.

So, having said that, I am very, very sympathetic to what the distinguished Senator from Oklahoma is trying to do here in making sure that we get regulatory review.

Now, staff tells me that what Senators are proposing here is very similar or nearly identical—very similar anyway to the Presidential Executive order that deals with this same subject. We are checking that right now. We are also checking with some of the people on our side who we think might have a particular interest in this particular amendment, and I will be able to give my colleague an answer as to whether we can accept this shortly. I do not want to delay this. But unless he wanted to talk or somebody else wanted to talk, I would just put in a quorum call at the time until we get an answer back. I hope it will be just a few minutes. It was my understanding in discussing this with my friend from Oklahoma he would be willing to have a voice vote on this and we could get on with other business.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments from my friend and colleague from Ohio. To answer a couple of his questions, I am happy to have a voice vote. I am happy to proceed.

I have a hard time imagining anybody really opposing this amendment because, as you mentioned, it may parallel what the administration is trying to do. Certainly if regulatory agencies are going to have mandates on the private sector in excess of $100 million, they should at least identify it. I think in any of the regular reform bills that will probably be included.

Plus the fact we are, in this legislation, telling the regulatory agencies to identify the costs if they have an impact on the public sector in excess of $100 million. Certainly, if they are going to do that for the public sector, they should also do it for the private sector. They can probably do it at one and the same time. A lot of bills have impacts on both the public and private sectors. So I do not even think it will be a duplicative effort. It will just be done.

Again, if a regulatory agency is going to take an action that has an impact of over $100 million, for all practical purposes they should have a cost estimate.

So I appreciate my colleague's interest in this. I also want to compliment him and assure him and Senator ROTH and others, Senator DOMENICI, Senator BOND, Senator HUTCHISON, and others—a lot of people have done a lot of work on regulatory reform. It is going to be very extensive. I am looking forward to that.

And we are not doing that here. I am talking about cost-benefit analysis, risk assessment, using science, as my friend and colleague from Ohio has alluded to in the past. It is important that we use real science in making some of our determinations.

I look forward to that debate and that bill, because I think it will be a giant step, one that should be bipartisan and one that will help rein in the excessive costs of regulation.

This particular amendment does not do anything to rein it in. It just says it should be identified. That by itself might help rein it in. If someone in the private sector disagreed with it, we could dispute it. We could have a hearing. And if someone says this regulation from EPA costs $500 million per year to the private sector, maybe the private sector would come in and say, we disagree, it costs $3 billion. That would be good interest, good information for people to have. This does not stop the regulations from coming into effect. It just says they should be identified. It is identical with the regulation on the public sector. We think we should identify it for the private sector as well.

I know there was an interest a moment ago to have a 1-hour time agreement. I told the managers of the bill that is not necessary for this Senator. I think this is a commonsense amendment, readily understood. Hopefully, it will be agreed upon.

Several Senators addressed the Chair.

Mr. GLENN. Mr. President, just one further comment. I see another Senator seeking the floor here. Just one comment on this.

The only other caveat I had on this, this bill originally set out to deal with unfunded Federal mandates. We now have gotten into public overlap and so on, and we are into cross-pollination here in so many areas.

I do not think this particular amendment breaks any new ground in this. So I do not have any objection on that ground. We are going to try to deal with a lot of these things, though, in the regular review of S. 100.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President I also rise in support of the amendment. As I think has already been articulated, the small businesses, and the private sector more generally, of this country are heavily inundated with burdens imposed by government and direct kinds of taxes and costs. They are actually, I think, burdened by regulations that impose mandates on them. So I believe the amendment is well in order and should be supported.

Mr. President, I rise in support of S. 1, which, of course, addresses the problem of unfunded Federal mandates. S. 1 would significantly limit the Federal Government's ability to require State or local governments to undertake affirmative activities or comply with Federal standards unless the Federal Government was also prepared to reimburse the costs of such activities or compliance. As with direct Federal expenditures, the financial burdens of such mandates fall squarely upon the middle-class taxpayer. I strongly commend Senator KEMPTHORNE for continuing leadership on this issue and for his sponsorship of S. 1.

Perhaps nothing better reflects contemporary trends in government than the enormous growth in the level of unfunded Federal mandates over the past two decades. An unfunded mandate arises when the Federal Government

imposes some responsibility or obligation upon a State or local government to implement a program or carry out an action without, at the same time, providing the State or local government with the necessary funding. Several recent illustrations of unfunded mandates include obligations imposed on States and localities to establish minimum voter registration procedures in the Motor Vehicle Voter Registration Act; obligations imposed on States and localities to conduct automobile emissions testing programs under the Clean Air Act; and obligations imposed on States and localities to monitor water systems for contaminants under the Safe Drinking Water Act. These examples, however, are only the smallest tip of the iceberg.

While there is virtually no area of public activity in which Federal mandates are absent, such mandates are most visible in the area of environmental legislation. Of the 12 most costly mandates identified by the National Association of Counties in a 1993 survey, 7 of them involve environmental programs such as the Resource Conservation and Recovery Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Safe Drinking Water Act, and the Superfund Act.

The negative effects of unfunded Federal mandates are at least fivefold: First, such mandates camouflage the full extent of Federal Government spending by placing an increasingly significant share of that spending off-budget, in the form of costs imposed upon other levels of government. While it is extraordinarily difficult to assess the dollar costs of unfunded mandates, a sense of their magnitude is evidenced by a 3-month study done earlier this year by the State of Maryland, in which they concluded that approximately 24 percent of their total budget was committed to meeting legal requirements mandated by Congress. Assuming the rough accuracy of this estimation, and assuming that Maryland is not subject to extraordinary levels of mandates, this would amount to approximately $80 to $85 billion imposed nationally upon all State governments. This figure does not include mandates imposed upon local governments. To calculate the true burden of Federal spending, the costs of these mandates must be added to an already bloated Federal budget. The Federal Government consumes the limited resources of the people every bit as much when it compels State or local governments to do something as when it directly does something itself.

Second, the impact of the unfunded Federal mandate is to distort the cost-benefit analysis that Congress undertakes in assessing individual pieces of legislation. The costs imposed by the Congress upon States and localities are rarely considered, much less estimated with any accuracy. As a result, the presumed benefits of legislative measures are not viewed in the full context of their costs. Legislative benefits tend consistently to be overestimated and legislative costs tend consistently to be underestimated.

Third, unfunded Federal mandates burden State and local governments with spending obligations for programs which they have never chosen to incur while requiring them to reduce spending obligations for programs which they have chosen to incur. For the options are clear when mandates are imposed by Washington: Either State and local governments must raise taxes—since they do not have the same access to deficit spending as the Federal Government—or they must reorder their budget by reducing or terminating programs which had already been determined to merit public resources. With State balanced budget requirements and with taxpayers already burdened to the hilt by government demands for a share of their income, State and local governments are forced into a zero-sum analysis by unfunded mandates; every new Federal mandate must be compensated for directly by a reduction in another area of State or local spending. Further, every Federal mandate must effectively be treated as the number one spending priority by State and local governments, notwithstanding the sense of their community and the judgment of their elected officials. Such governments must first budget whatever is necessary to pay for the mandates and only afterwards evaluate the level of resources remaining for other spending measures.

Which leads to the fourth impact of the unfunded Federal mandate. An increasing proportion of State and local budgets is devoted to spending measures deemed to be important not by the elected representatives in those jurisdictions, but rather by decisionmakers in Washington. In 1993, for example, compliance with Federal Medicaid mandates cost the State of Michigan $95.3 million, which exceeded by $7 million the combined expenses of the Michigan Departments of State, Civil Rights, Civil Services, Attorney General, and Agriculture. Although the Supreme Court in recent years has reduced the 10th amendment to effective insignificance, I believe nevertheless that there are constitutional implications to this trend. It is lamentable enough that the Federal budget has grown at the pace that we have witnessed over the past generation; for Washington additionally to be determining the budgetary priorities of Michigan and Texas and Pennsylvania is for it to trespass upon the proper constitutional prerogatives of the States. To the extent that the States are straitjacketed in their ability to determine the composition of their own budgets, their sovereignty has been undermined.

Indeed, the Constitution aside, it is difficult to understand how a reasoned assessment of the efficacy of Federal Government programs over the past several decades would encourage anyone in the notion that Washington had any business instructing other governments how best to carry out their responsibilities.

Finally, unfunded Federal mandates erode the accountability of government generally. The average citizen now finds that his State and local representatives disavow responsibility for spending measures resulting from Federal mandates, while his Washington representatives also claim not to be responsible. Lines of accountability are simply too indirect and too convoluted where Federal mandates are involved. The result is that the citizenry come to feel that no one is clearly responsible for what government is doing, and that they have little ability to influence its course.

I am particularly supportive of S. 1 because I believe that it will result in governments at all levels thinking more seriously about the proper scope of government. In truth, unfunded mandates are but one symptom of the more fundamental problem that the Federal Government has lost sight of the proper scope of its functions. While there are some mandates that are reasonable, Congress should be prepared to reimburse the States for the costs attendant to such mandates. In cases where the wisdom of mandates is more dubious, S. 1 would force upon Congress a more balanced and a sober decisionmaking process. Instead of neglecting the hidden pass-the-buck costs entailed in unfunded mandates, Congress instead would be forced to make hardheaded decisions about the costs and benefits of new programs. In at least some of these cases, I am confident that the legislative balance will be drawn differently than that we have consistently seen over recent decades. I am confident that the virtues of federalism will be recognized more readily when new programs are no longer free but must be explicitly accounted for in the Federal budget. The one-size-fits-all mentality which tends to underlie most Federal mandates may also be reconsidered in the process.

At the same time, State and local officials will also have to make difficult decisions. With Congress likely to curtail or terminate altogether some mandates when confronted with the requirement that they have to pay for them, State and local governments will have to determine whether they are willing to support such programs on their own. No longer will they be able to enjoy the benefits of such programs while being able to divert responsibility for their costs to the Federal Government. Rather, they will have to make equally hard decisions as those that will have to be made by Washington lawmakers about the relative merits of public programs.

Perhaps the greatest long-term benefit of the present legislation is that it will force more open and honest decisionmaking and budgeting upon all levels of government. When greater governmental accountability is achieved, the public will be better positioned to

punish and reward public officials for actions. As a result, government will be more responsive to the electorate in its spending decisions. Government, in short, will be made more representative by this legislation.

Further, Federal bureaucracies themselves will have to be more respectful of the costs that they impose upon State and local governments. Currently, these bureaucracies give little or no consideration to such costs because none of those costs are borne by the agencies themselves. When the real costs of Federal regulation are attributed to the agency responsible for such regulation, agencies will gain an extraordinarily useful perspective on the burdens that they are imposing on other levels of government.

Going beyond the present measure, I would hope that we will be able to address several related matters in the near future. First, I do not believe that the bar on unfunded mandates should be limited to future initiatives. Given the burdens currently being borne by State and local governments, I favor in certain instances the retroactive application of the commonsense principle incorporated in this legislation. Second, I favor legislation that addresses the problem of conditional mandates. Conditional mandates arise when the Federal Government provides grants-in-aid to the States with strings or conditions attached. While these conditions may be reasonable and designed to ensure that money dispensed is being utilized effectively, other conditions may be far more tangentially related to the grants. I do not believe that Federal grant programs should be used to circumvent the present legislation's bar on direct Federal mandates. Therefore, I would support legislation such as that offered by Senator HATCH, which would prohibit conditional mandates unless they were directly and substantially related to the specific subject matter of the Federal grants-in-aid.

Mr. President, by changing the rules of the legislative process and forcing upon Congress more accountable decisionmaking, the present legislation will, in my judgment, contribute greatly to a more responsible and balanced legislative product. This measure is not antienvironment, anti consumer safety, or antiregulation, as its opponents have suggested. Rather, it is pro open and honest government decisionmaking. If a majority of the Congress continues to support a particular mandate, that majority has the unfettered discretion to promulgate the mandate; they are constrained only in their ability to hide the costs of the mandate and to obscure where governmental responsibility lies for the mandate.

I ask unanimous consent to have printed in the RECORD several resolutions and letters I have received from governmental bodies in Michigan in support of this legislation. In view of the strong support for this measure from the National Conference of State Legislators, the National Association of Counties, and the National League of Cities, as well as on the basis of my own conversations over the past year, I am convinced that these writings reflect the overwhelming sentiment of Michigan communities, as well as communities across the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF INKSTER,
Inkster, MI, January 5, 1995.

Re unfunded mandates.

Senator SPENCER ABRAHAM,
Dirksen Building,
Washington, DC.

DEAR SENATOR ABRAHAM: Unfunded Mandates have very debilitating effects upon cities similar to Inkster. Perhaps I should not repeat the litany of complaints that you have already heard, but I am compelled to advise you of the limiting factors which automatically places the City of Inkster in a position of default under the existing rules and regulations related to these unfunded mandates.

Inkster is mandated to erect three (3) retention basins in regard to the Combined Sewer Operation program imposed by the Federal Government.

Listed below you will find some very important factors about the City of Inkster and how unfunded mandates affect our community:

We have an annual General Fund Budget of only $10,908,350.00;

By Michigan law we can levy no more than 20 mills Real Property tax;

Our current levy is 19.52 mills;

Our water and sewer rates are controlled by the amount charged by the City of Detroit and they are outrageous;

Our bonding capacity is such that our share ($23 million) for the first basin has to be guaranteed by Wayne County to the Michigan State Bond Authority and the State Revolving Fund;

Additionally, Inkster must lease the land upon which the basin will be sited for $1,500.00 per year;

I need not go on. You can see the untenable position that we are in. I very strongly urge you to vote relief for all cities caught in this impossible web by supporting and seeking support to HB 5128 and SB 993 which will soon be considered.

Very sincerely,

EDWARD BIVENS, Jr.,
Mayor.

CITY OF TAYLOR,
Taylor, MI, January 12, 1995.

U.S. Senator SPENCER ABRAHAM,
Dirksen Office Building,
Washington, DC.

DEAR SENATOR ABRAHAM: As Mayor of the City of Taylor, I have watched with growing dismay the increase in unfunded federally mandated programs. Congress should implement the following provisions for any future legislation:

1. Require that state and local officials be afforded the opportunity to provide meaningful input (given a real voice in the planning.)

2. Require an assessment of costs and benefits associated with the planning and/or implementation of any federally mandated programs.

3. Federal funds should be budgeted/appropriated prior to enactment of any such legislation.

Senator Abraham, if implemented these suggestions will go a long way toward building a meaningful partnership between the federal, state, and local governments, to better serve the American people. I wish to commend you for your pro active position on this vital issue and urge the support of your colleagues.

Sincerely,

CAMERON G. PRIEBE,
Mayor.

CITY OF MUSKEGON,
Muskegon, MI, January 12, 1995.

Hon. SPENCER ABRAHAM,
State Senator,
Warren, MI.

DEAR SENATOR ABRAHAM: I appreciated the opportunity to talk to you yesterday regarding my concerns about Unfunded Federal Mandates and the burden they place on cities such as Muskegon. These mandates create an undue burden that compounds the problems and difficulties already encountered by local municipalities. Therefore, I encourage you continued efforts in eliminating unfunded mandates.

Thank you for your assistance in this very important matter.

Sincerely,

JAMES W. PRUIM,
Mayor.

CITY OF WYANDOTTE,
Wyandotte, MI, January 12, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR ABRAHAM: I am writing this letter as a result of the discussion I heard while watching C–SPAN this morning, January 12, 1995, at approximately 10:00 a.m. This discussion, which took place before a committee chaired by Senator Nancy Kassabaum from Kansas, has prompted me to send this FAX.

I thought Governor Thompson did an excellent job, however, I was disturbed by the comments made by Democratic Senator John Breaux from Louisiana and by Senator Ted Kennedy from Massachusetts, whose statements indicated their apparent distrust of the individual states. What I feel was really said by these senators was that we at the local level of government would not be sensitive to the needs of the poor unless the programs developed to assist the poor were designed in Washington. Where have they been?

Why do people in Washington feel that they are more honest and do a better job than those of us on the firing line day in and day out? As Governor Thompson suggested, let us design our own projects and hold us accountable for the results rather than having to abide by mandates written by bureaucrats in Washington who are, in my opinion, out of touch with what goes on in our cities on a daily basis.

Evaluate us based on our results rather than trying to pass laws and make rules that reduce the flexibility we all need. (Local) Government must have the authority to react more quickly in order to serve the people that Senate Kennedy and Senator Breaux, as well as the other senator from Minnesota, thought we would ignore.

This letter is meant to be straightforward and direst so there is no misunderstanding concerning my feelings about the issue of unfunded mandates.

Sincerely,

JAMES R. DESANA,
Mayor.

CITY OF DEARBORN,
Dearborn, MI, January 12, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR ABRAHAM: In response to your initial request for my opinion regarding

national issues requiring immediate attention, the issue of unfunded mandates stands out in my mind as one with extremely direct consequences for local governments.

According to studies conducted by Price Waterhouse, unfunded federal mandates will cost local governments nearly $90 billion over the next five years. Cities will pay about $6.5 billion this year and $54 billion over the next five years, while counties will incur costs totaling $4.8 billion this year and $33.7 billion over the next five years.

I have attached a copy of a resolution that was adopted by our City Council. The resolution attempts to focus local and national attention on the threat unfunded federal mandates pose to local budgets and local citizens. It urges our representatives to force change in the way the federal government considers future mandates.

I believe that any action on this issue that views local governments as partners in the governance of this great country will benefit all of us who call ourselves public servants.

Respectfully submitted,

MICHAEL A. GUIDO,
Mayor.

RESOLUTION

Whereas: Unfunded federal mandates on state and local governments have increased significantly in recent years (according to Price Waterhouse, unfunded mandates will cost local governments nearly $90 billion over the next 5 years); and

Whereas: Federal mandates require cities and towns to perform duties without consideration of local circumstances, costs, or capacity, and subject municipalities to civil or criminal penalties for noncompliance; and

Whereas: Federal mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare, and safety of municipal citizens; and

Whereas: Excessive federal burdens on local governments force some combination of higher local taxes and fees and/or reduced local services on citizens and local taxpayers; and

Whereas: Federal mandates are too often inflexible, one-size-fits-all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective; and

Whereas: Existing mandates impose harsh pressures on local budgets and the federal government has imposed a freeze upon funding to help compensate for any new mandates; and

Whereas: The cumulative impact of these legislative and regulatory actions directly affect the citizens of our cities and towns; and

Whereas: The National League of Cities, following up on last year's successful effort, is continuing its national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates, including a National Unfunded Mandates Week, October 24–30, 1994; therefore, be it

Resolved: That the City of Dearborn, by its Mayor and City Council, endorses the efforts of the National League of Cities and supports working with NLC to fully inform our citizens about the impact of federal mandates on our government and the pocketbooks of our citizens; be it further

Resolved: That the City of Dearborn endorses organizing and participating in events during the week of October 24–30, 1994, and throughout the year; be it further

Resolved: That the City of Dearborn resolves to continue our efforts to work with members of our Congressional delegation to educate them about the impact of federal mandates and actions necessary to reduce their burden on our citizens.

CITY OF ST. CLAIR,
St. Clair, MI, November 9, 1994.

Senator Elect SPENCER ABRAHAM,
Senate Office Building,
Washington, DC.

DEAR MR. ABRAHAM: Enclosed with this letter is a resolution adopted by the St. Clair City Council on Monday, November 7, 1994. The resolution details the City of St. Clair's stance on Unfunded Federal Mandates and the need for Congress to address this matter.

Also included is a pledge to vote on legislation which addresses Unfunded Federal Mandates. I, the members of the City Council and the residents of the City of St. Clair ask that you please sign the attached pledge to push for a vote on the unfunded federal mandates legislation. Please return a signed copy of the pledge to me at the following address: Bernard E. Kuhn, Mayor, City of St. Clair, 411 Trumbull Street, St. Clair, Michigan 48079.

Thank you in advance for your attention to our concerns. If you have any questions, please do not hesitate to contact me.

Sincerely,

BERNARD E. KUHN,
Mayor.

RESOLUTION NO. 94–54

Whereas, unfunded federal mandates on state and local governments have increased significantly in recent years; and

Whereas, federal mandates require cities and towns to perform duties without consideration of local circumstances, costs or capacity, and subject municipalities to civil or criminal penalties for non-compliance; and

Whereas, federal mandates require compliance regardless of other pressing local needs and priorities affecting the health, welfare and safety of municipal citizens; and

Whereas, excessive federal burdens on local governments force some combination of higher local taxes and fees and/or reduced local services on citizens and local taxpayers; and

Whereas, federal mandates are too often inflexible, one-size-fits-all requirements that impose unrealistic time frames and specify procedures or facilities where less costly alternatives might be just as effective; and

Whereas, existing mandates impose harsh pressures on local budgets and the federal government has imposed a freeze upon funding to help compensate for any new mandates; and

Whereas, the cumulative impact of these legislative and regulatory actions directly affect the citizens of our cities and towns; and

Whereas, the National League of Cities, following up on last year's successful effort, is continuing its national public education campaign to help citizens understand and then reduce the burden and inflexibility of unfunded mandates; now, therefore, be it

Resolved, That the City of St. Clair endorses the efforts of the National League of Cities and supports working with NLC to fully inform our citizens about the impact of federal mandates on our government and the pocketbooks of our citizens; and

Be it further resolved, That the City of St. Clair endorses organizing to receive a written pledge from our representatives in Washington to vote on federal relief from unfunded mandates; and

Be it further resolved, That the City of St. Clair resolves to continue our efforts to work with the members of our Congressional delegation to educate them about the impact of federal mandates and actions necessary to reduce their burdens on our citizens.

UNFUNDED FEDERAL MANDATES WEEK PLEDGE

I pledge to the voters and taxpayers of the City of St. Clair to ensure a vote in Congress on federal unfunded mandates relief legislation for state and local governments before April 1, 1995.

If we in Congress fail to have a recorded vote to demonstrate accountability by that date, I pledge to submit a written report to the Mayor and Council of the City of St. Clair specifically detailing my efforts and the specific steps I will take to ensure action.

Signed: .

MICHIGAN TOWNSHIPS ASSOCIATION,
Lansing, MI, January 12, 1995.

Hon. SPENCER ABRAHAM,
U.S. Senator,
Washington, DC.

DEAR SENATOR ABRAHAM: The Michigan Townships Association urges your yes vote on S. 1, the Unfunded Mandates Reform Act. On behalf of all Michigan township officials, I also encourage you to resist any and all amendments that would weaken the intent of this proposed legislation.

Michigan has had a state law since 1978 designed to prevent the imposition of mandated costs on local governments. During its passage, however, 15 or more ''loopholes'' were written into the language that weakened the intent of the Bill. Please hold the line against these attempts to water down the intent of S. 1.

Sincerely,

JOHN M. LA ROSE,
Executive Director.

Mr. NICKLES. Mr. President, I wish to congratulate the Senator from Michigan for an outstanding speech, a relatively new Member to our body, but as evidenced by his speech and by his work in the Senate this month he in my opinion will prove to be an outstanding asset to the State of Michigan without any doubt and certainly to this body and to our country.

So I compliment him on his remarks. I thank him very much for his support of our amendment as well.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Chair.

Mr. President, I wanted to ask a question of my friend from Oklahoma about the meaning of his amendment. As I understand it, the statement that would be required to be prepared, pursuant to section 202(a), if this amendment is adopted, would have to be prepared for either the private sector or the public sector providing they reach in either case $100 million annually adjusted for inflation. Is that correct? In other words, if the public sector mandates the cost of $100 million in any one year, that will trigger the reform.

Mr. NICKLES. The Senator is correct.

Mr. LEVIN. If the private sector mandate is $100 million more, that would trigger the reform.

Mr. NICKLES. The Senator is correct.

Mr. LEVIN. But if they were both $60 million, there would not be a report triggered.

Mr. NICKLES. The Senator is correct again.

Mr. LEVIN. I thank the Senator for that clarification.

I have one other question. Perhaps my friend from Ohio will want to help on this. There could be an easy answer to it. In any 1 year, is that any one of the 5 fiscal years that are estimated, or is that any 1 year? When? Anytime, ever? What does that 1 year reference? I am sorry I did not have a chance to ask it of either Senator before. I am asking this on the floor. Perhaps we could get an answer to that later. I am just not sure what that means, ''1 year.''

Mr. NICKLES. Mr. President, just looking at the language on page 35 of the bill, that is really where we are amending the section, that section 202, that is the one which defines the call for reports. Basically it says the report shall be issued if you have regulatory impact of in excess of $100 million or the public sector in any one year. I would think that would be any one calendar year. Regulatory agencies would be analyzing the cost of their changes, and they would have an annual cost. They may do an annual cost over several years. My guess would be that would be in any one particular calendar year. That is just my reading. We did not amend that language. We just included private sector in our amendment.

Mr. LEVIN. I thank the Senator from Oklahoma for that. Maybe I should address this then to the managers. What does the reference ''any one'' year mean, on line 15, page 35? Is that any one year, ever? Is that any one year of the 5 years of the 5 fiscal years? What is that reference?

Mr. KEMPTHORNE. Will the Senator yield?

Mr. LEVIN. I would be happy to.

Mr. KEMPTHORNE. I apologize. Will the Senator repeat the question?

Mr. LEVIN. My question is this: On line 15, page 35, there is a reference to the $100 million which the Senator from Oklahoma is now amending to apply to either public or private. And my question that properly should have been addressed to the Senator from Idaho is: Is that 1 year, 1 year of the 5 fiscal years for which the estimate is being made? Or is that some other reference? I assume that means a fiscal year, too. I am trying to clarify what the reference is.

Mr. NICKLES. If the Senator will let me respond, again, I think you are right. The reference is to the legislation. My guess is that the regulatory agencies would determine the fiscal impact. I would think they would do it not on fiscal year but on calendar year—I may be incorrect—and that if the regulatory impact exceeded $100 million, as adjusted for inflation in subsequent years, then they would have to identify the costs.

Again, I do not see that as a big burden. If you are going to have a regulatory impact on the public sector in excess of $100 million, they should know it and identify it. If they are going to have a regulatory impact on the private sector in excess of $100 million, for subsequent years—my colleague mentioned 5 years, and I do not know what regulatory agencies—we do 5-year budgeting, although not very well. But I do not know that when they issue those regulatory statements, they automatically cover 5 years. I am not sure.

Mr. LEVIN. While we are on this line—I am wondering, while we are focused on this one line of the bill, I have not had a chance to ask my friend from Idaho this question either. Is the reference to ''adjusted annually for inflation,'' adjusted from the effective date of the law, so that if the law is effective January 1, 1996, that that is the baseline for the $100 million, and then if it is 3 percent inflation, on January 1, 1997, this then will reread $103 million? Is that the intent of the Senator from Idaho?

Mr. KEMPTHORNE. In response to the Senator, Mr. President, that is my understanding of the intent, yes.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, we have finished checking on our side, and we would be glad to accept the amendment of the distinguished colleague from Oklahoma. As I said earlier, we will be addressing this same regulatory review problem in the Governmental Affairs Committee with the hearing on S. 100, which is legislation I put in on a broader gauge of regulatory review consideration. We welcome the Senator's input on that, so we can work this out together. We would be happy to accept his amendment on this side.

Mr. KEMPTHORNE. Mr. President, we also would be very supportive of accepting this amendment. We thank the Democratic side for the agreement. We commend Senator NICKLES and Senator DOMENICI for their work on this. It is an important addition to the bill.

Mr. NICKLES. Mr. President, I thank my friends from Idaho and Ohio, as well as Senators DOMENICI and SHELBY. I appreciate their cooperation.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 169) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

AMENDMENT NO. 170

(Purpose: To include gender in the statutory rights prohibiting discrimination to which the Act shall not apply)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. GLENN, Mr. KEMPTHORNE, and Mr. GRASSLEY, proposes an amendment numbered 170.

The amendment is as follows:

On page 12, line 18, insert ''age'' after ''gender,''.

Mr. LEVIN. Mr. President, this bill has certain exclusions in certain areas where sponsors of the bill have determined that it should not apply. Section 4 on page 12 reads that ''The provisions of this act and the amendments made by this act shall not apply to any provision in a bill, or joint resolution before Congress, and any provision in a proposed or final regulation that''—and then there is a list of six exclusions. These are important exclusions, because what the bill would do is to say where any of these six things exist, no point of order would lie, and there is not going to be any presumption that a mandate has to be funded in order to apply to State and local governments. For instance, if a mandate enforces the constitutional rights of individuals, that mandate is going to apply to State and local governments and there is not going to be any presumption of nonapplicability in the absence of a mandate.

The next exclusion under section 4 is, ''If the bill or the joint resolution establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicap or disability status.''

It is that exclusion that I believe is deficient, and it is that exclusion to which my amendment is addressed. We have laws that protect people against age discrimination, which are very vital laws in this country.

Those laws have been fought over, fought for, and they are vital to Americans. We have mechanisms to enforce that antidiscrimination law. And it is important that age discrimination be placed in the same paragraph and also excluded from this bill's applicability and that we also require State and local governments to carry out the national purpose of no discrimination based on age.

Just as we have said that where there is a statutory right that prohibits discrimination based on race or religion or gender or national origin or handicap or disability status, this law is going to not be applicable. A mandate,

even if it is unfunded, is going to apply to State and local governments where it establishes or enforces rights that prohibit discrimination based on any of those factors.

So this amendment would add the word ''age'' to that subsection 2 so we would protect age discrimination laws the way we do other discrimination laws and we would apply age discrimination laws to State and local governments without any presumption that they would have to be given the funds in order to implement this mandate.

That is the heart of this amendment.

I know that the managers have accepted the amendment, since both of them are cosponsors of it. I understand that the Senator from Ohio, however, may have a modification to it and that he may want to address that.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

The Chair would advise the Senator from Michigan that the amendment is out of order.

Mr. LEVIN. I thank the Chair.

I am wondering if we could note the absence of a quorum so we could discuss this.

Mr. GLENN. Perhaps we could go ahead and I could discuss this without it being out of order while we get an input from a couple other Senators that have an interest in it. If we could discuss it until we get that information, we might just save a little time.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

Let me congratulate my friend from Michigan. He has not been pointed out much on this whole bill, but there is no one who has looked into this in any more detail and with real detail on specific wording and taking an active part and making sure that this legislation, if passed, is going to be workable—workable. And that is the important thing of having someone like the Senator from Michigan, who does look into details. We, too, often pass things out of here that do not have that kind of scrutiny and we wind up regretting later that we really did not take time to go into details.

In committee, in considering this legislation the other day when we were brushed aside pretty much in the committee by party-line votes, he was trying to lead the charge there on making sure that the language was workable, that we corrected errors in the bill, and that we made it as workable as possible.

Now, that was not possible in committee, but he is continuing that effort here on the floor. He certainly deserves every credit for what he has been doing on this, and I am the first to acknowledge that. He has really been a tiger in seeing that this thing was done properly, and I want to commend him for that.

I think, once again, he has come up with the suggestion here where age was left out. In almost all the legislation we pass now, we make sure that these areas of minority discrimination, of age and disabilities and so on are left in the bill.

I had originally planned to put in an amendment on this myself. My amendment would have been a little more broad than the one that the Senator from Michigan has proposed. My amendment would have said, ''that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability.'' So in one line it was taking a little broader sweep than just correcting age.

I believe, in the original planning of the bill, that color was also left out. And that is normally considered as part of our standard litany in new legislation with regard to those people we wish to protect within our society.

Mr. President, with the parliamentary situation being what it is, I cannot offer a second-degree amendment to the amendment that the distinguished Senator from Michigan has proposed. I submit to him, I wonder if he might prefer to swing the little broader loop that I was going to propose with my amendment and perhaps, if he wished to modify his amendment with some of this language, that would take care of not only the age but the color that was also left out and in one line then include the things we normally include in it. And it would read, then, ''that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability.''

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank my good friend from Ohio for his very fine comments. His leadership on the Governmental Affairs Committee has been extraordinary over the years. He is now ranking member. He has continued to not only insist on legislation which is workable, as he phrases it, which is so important, but he has also fought hard to protect the rights of all the members of that committee so that we would have an opportunity to offer amendments.

I would remind this body that the Senator from Ohio is a chief cosponsor of this legislation and was the principal sponsor of last year's legislation, which was somewhat different but not greatly different and aimed at exactly the same purpose. So he is an expert on this subject of unfunded mandates and has been a leader in the fight to try to reduce the number of unfunded mandates.

Whatever is easier, I would be happy either to modify the amendment or that it be second degreed as soon as we can get clearance that I can make my amendment in order by asking that the committee amendment be set aside so that it be in order.

Mr. BYRD. Mr. President, is the Senator making that request?

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee amendment be laid aside so that the amendment which I sent to the desk be in order. I understand it is not in order and I understand why. So I do ask unanimous consent that the committee amendment be laid aside for that purpose and then apparently it would again become the pending business as soon as this amendment and its modification were disposed of.

Mr. BYRD. Mr. President, reserving the right to object; of course, I will not object.

Mr. President, as I say, I have no objection and will not object, but I want to compliment the Senator for a trait that I discovered many years ago about this Senator from Michigan. He goes over matters with a fine-tooth comb. He is meticulous. He is a meticulous, careful craftsman. And I have said this to him privately on several occasions. I congratulate him. I want to do it publicly.

And also I think this points out the beneficial effects of proceeding with a little more care, taking a little more time and not acting in quite so much haste. It underlines what I said a number of times, that we need to slow down and take a look and carefully examine what we are doing. And it seems to me that in this instance we can feel assured that we did the right thing. I congratulate the Senator.

Is the Senator going to ask for the yeas and nays?

Mr. LEVIN. Mr. President, I believe they will accept this amendment. If they do, in this case I will not ask for the yeas and nays unless there are others that would request the yeas and nays. I believe the managers have accepted this and, indeed, have cosponsored it. In this instance I will not ask for the yeas and nays. But there may be others who would want the yeas and nays.

Mr. KEMPTHORNE. Would the Senator yield?

Mr. LEVIN. I yield.

Mr. KEMPTHORNE. That is correct, Mr. President. We are certainly supportive of accepting this amendment and would state that I agree with the Senator, that there was no intention to leave out these classes. In fact, we had discussed that they would be included in the managers' amendment. I think this is very appropriate to proceed with this amendment as proposed by Senator LEVIN.

I would point out also when we think about the pace, that the language that we have in S. 1 dealing with this is the identical language that was in Senate bill 993 last year that went through committees in both the Senate and the House. This was not addressed.

Again, it was not done intentionally. This is appropriate to correct it. We appreciate the Senator from Michigan.

Mr. LEVIN. Mr. President, I do not know if I have the floor or not.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, let me say to my friend from West Virginia that he is the legislative craftsman par excellence, as far as I am concerned. And he has been a role model in this regard, reminding all Members of the importance of taking the time to craft laws which will work in the real world.

There are times we have the best of intents and we have the worst of unintended consequences. We have to take the time to work through bills such as this. That is a different bill from last year in very significant ways. He has been a role model, indeed, in this area for me and to the extent that I got involved with nuts and bolts, as he has pointed out.

I am grateful for his comment. It is in large measure because there have been a lot of people who have set a standard in this area, that I think is very important for me to follow. I am thankful for the comments.

Mr. BYRD. Will the Senator yield?

Mr. President, I think it is important to the extent that it ought it to be given public recognition. The kind of public recognition that is given to a rollcall vote. We have had rollcall votes on matters of lesser importance, at least in my view. I am just looking at it from one man's vantage point. I think we ought to have a rollcall vote on it. This is an important amendment. At some point in time we ought to do that.

I have not made the request, but I will make the request at the appropriate time.

The PRESIDING OFFICER. The request made by the Senator from Michigan is pending.

Mr. LEVIN. Mr. President, if the majority leader would just withhold, I have a pending unanimous-consent request that they have not yet ruled on, that the committee amendment be set aside in order that my amendment, as modified by the Senator from Ohio, be in order. That was a pending unanimous-consent request, and I am wondering if the majority leader might withhold to see if there is any objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I thank the Chair and I thank the majority leader.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOLE. The Senator from West Virginia has the floor. I want to make an inquiry.

If the yeas and nays are ordered, I wonder if we might have that vote occur at about 8:30. I think a lot of people left with the understanding there might be debate but no vote. I will check with the Democratic leader. I do not have any quarrel with the rollcall. Maybe we can have a couple more amendments by that time, too.

Mr. BYRD. Mr. President, I certainly have no problem with that.

May I say to the distinguished leader I felt that this is a very important amendment. We will have this bill, it is very important to a lot of people in this country. The word ''age'' and other words, that I understand the Senator from Michigan and the Senator from Ohio are interested in. It gives the public recognition to an amendment just that important. A rollcall vote is more noticed in conference with the House, as well, than a voice vote. It also shows that this bill is being improved by our taking a little time. By our taking a little time, studying the bill, debating, probing. So we are making some improvements.

Would the distinguished majority leader like to lock in the vote at this point?

Mr. President, while we are on this amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, I ask unanimous consent, although it is not necessary, that we turn to a period of morning business for about 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, thank you.

The Senator yields to the Senator from Ohio.

AMENDMENT NO. 170, AS MODIFIED

Mr. GLENN. If the Senator would yield for a moment. When we sent the Levin amendment to the desk, it did not have the changed language that I suggested. He was changing his own amendment. The copy that was sent to the desk was not the proper copy. We would like to modify that amendment, and since the yeas and nays have been ordered that would normally not be in order.

I would ask unanimous consent that Senator LEVIN be permitted to modify his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 170), as modified, is as follows:

On page 12, strike lines 17 through 19 and insert ''that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap or disability;''.

Mr. GLENN. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

CORPORATION FOR PUBLIC BROADCASTING

Mr. ROBB. Mr. President, there is a serious debate going on over whether the Federal Government should continue to play a role, the small part it currently plays, in supporting the Corporation for Public Broadcasting.

On Tuesday, in a speech before the National Press Club, Ervin Duggan, president of the PBS, outlined reasons why support from the Government is important, and I ask unanimous consent to have Mr. Duggan's speech printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROBB. Mr. President, today I would like to reiterate my support for public broadcasting because of the important educational role it plays in our society. We invest very little and we get a lot in return.

Public broadcasting does not rely solely, or even mostly, on Government support. Only 14 percent of its budget comes from Congress, approximately $1.09 per person. The rest of its funding comes from 5 million Americans and hundreds of corporations who understand the importance of quality commercial-free educational broadcasting.

Public broadcasting is no longer just MacNeil/Lehrer, ''All Things Considered,'' ''Sesame Street,'' and the Civil War series. I have been particularly impressed with the way public broadcasting is using new technology for education. Hundreds of thousands of Americans, who otherwise would not have the opportunity, can earn their high school or college degree through courses shown on public television. At 60 colleges—and that number is growing—students can earn a 2-year degree through PBS telecourses.

Millions of teachers use television's best programs, like Ken Burns' remarkable Civil War series, in the classroom. Many of these programs are now available to educators on laser disk for interactive learning.

Many public broadcasting stations are currently on the Internet, along with PBS, NPR, and the Corporation for Public Broadcasting.

In times of budget deficits, we all understand that we have to make the most of our limited resources, but we must also understand that one of the targets of our resources is education and that education, as we know it today, encompasses more than just a classroom. It is libraries, movies, television, radio, computers, museums, and the many other outlets of information available.

In today's society, where quality educational programming is so rare, public broadcasting fills a unique and important niche, and it asks us to invest so little—one-fiftieth of 1 percent of our budget.

Most of us in Washington have the opportunity to enjoy local public television programming through WETA, one of the top five public broadcasting stations in the country. But public television also reaches out to the far corners of our country—and in my own

State, to Richmond, Charlottesville, Roanoke, Norfolk, and Marion. Public broadcasting brings its viewers and listeners programs they might not otherwise have the chance to experience. For example, the majority of viewers who watch opera on public television do not have a college degree and make less than $40,000 a year.

Mr. President, I believe our very small contribution to public broadcasting is one of the best investments this Government makes. As Mr. Duggan so aptly points out, public television could operate for 10 years on what Fox paid for one program of NFL football. I hope the Congress will continue its commitment to public broadcasting.

Mr. President, I thank you, and I thank the majority leader and the floor managers for allowing me to use these few minutes while they are concluding their effort to resolve this particular question.

Mr. President, I yield the floor.

EXHIBIT 1

THE LIVING TREE OF PUBLIC BROADCASTING

(Remarks of Ervin S. Duggan)

INVESTING WELL

The little town where I grew up—Manning, South Carolina—was small enough that we could walk to church on Sunday. My Sunday School teacher was a Southern matriarch named Virginia Richards Sauls, one of nine daughters of a South Carolina governor. Miss Virginia, as we called her, never tired of telling us the great stories of the Bible. Her favorite was the Parable of the Talents.

In that parable, a rich man leaving on a journey entrusts his property—measured in what were called talents—to his three servants for safekeeping. He returns to find that two servants have invested their talents well—so well, in fact, that their worth has doubled. The other, foolishly, has buried his talent in the ground. The master scolds and punishes the foolish, hoarding servant, but says to the wise and fruitful ones: ''Well done, thou good and faithful servants; you have been faithful over a little; I will set over you much.''

That story, of course, is about the generous, productive use of gifts; about sharing, building and creating. I mention it because I am convinced that the people of public broadcasting—the local volunteers, trustees, producers, professionals and supporters who make up this enterprise—are good and faithful servants who are living out a modern re-enactment of the Parable of the Talents. They do not eat tax dollars; they plant them and grow others. They are faithful over a little; they turn it into much.

I'm concerned, however, that everything those good and faithful servants have built over two generations is suddenly, seriously at risk.

For the next few minutes I'd like to talk about four things:

I want to talk first about a genuine crisis that faces the nation we love. I call it the triple crisis.

Second, I want to describe the remarkable local and national partnership that constitutes public broadcasting—a treasure not unlike our national parks, or The Smithsonian Institution. I want to sketch its true nature, because too many people seem not to understand it.

Third, I'd like to say a few words about the dangers of loose talk, of careless rhetoric, about ''privatizing'' public broadcasting. If privatizing turns out to be only a euphemism for defunding public broadcasting in a way that would commercialize it; if privatizing, in the end, leads to breaking it into pieces to be sold for salvage, much could be lost, never to be regained.

Fourth and finally, I want to suggest that there are better, more creative possibilities for this great national asset, this living tree called public broadcasting: possibilities for more hopeful and constructive than merely zeroing it out, or hacking the tree down to a stump.

THE TRIPLE CRISIS

Consider, first, the triple crisis that we face.

First there is the crisis of education: Can we send all our children to school ready to learn? Once they're there, can we give them an education good enough to help them become productive, responsible citizens and workers in a competitive global economy?

We face, second, a crisis in our popular culture—a steadily coarsening, ever-more-tawdry, popular culture, driven by marketplace imperatives to be increasingly violent and exploitative. Today's electronic culture of gangsta rap and kick-boxing superheroes not only makes it harder to be a parent; except for a few honorable exceptions, our media coldly abandon parents who yearn to give their children decent values to live by. Telling those parents simply to turn off the set if they don't like the violence and tawdriness that they see is like telling people to wear gas masks if they don't like pollution.

We face, third, a crisis of citizenship. Can we still speak with civility to one another? Can we approach our mutual problems in an atmosphere of shared purpose? We citizens in the center wonder—and we wince as our elected leaders vilify one another in an atmosphere of gridlock. We wince to hear commercial talk shows disintegrate into shouting matches and peep shows for the lurid and bizarre. Can we create what Father Richard Neuhaus calls a civil public square?

THE POPULIST BROADCASTING SERVICE?

That triple crisis points me to my second topic: I know of one institution that can constructively address every aspect of that triple crisis. It is an imperfect institution, yet one with many virtues. Its entire mission is education, culture and citizenship. It is called public broadcasting.

We could substitute, for that word ''public'' in public broadcasting, the more elaborate words of Abraham Lincoln: ''of the people, for the people, by the people.'' For public broadcasting stations are not owned or controlled by monolithic bureaucracies a thousand miles away. They're owned by local boards, by universities, by school systems, by nonprofit civic organizations.

What could be more populist, more Jeffersonian? I can almost see Thomas Jefferson in his study, watching Bill Buckley's ''Firing Line'' debates. Jefferson, a child of the Enlightenment, would have loved the enlightening mission of public broadcasting. Jefferson the small-d democrat would have loved its universal reach. Jefferson the inventor would have wanted to meet the pioneers who brought the world closed captioning for the deaf and an audio channel for the blind. It is not far-fetched to say that public broadcasting is Mr. Jefferson's other memorial: a temple of minds and voices; a temple not built of stone.

That word ''public'' means something else: free and universally available to all. To enjoy its riches, no one has to pay thousands of dollars for a computer and software and a modem. If you do have a modem, however, we have a great new service called PBS ONLINE. And you'll find many public stations on the Internet, along with PBS, NPR, and the Corporation for Public Broadcasting. To enjoy the riches of public broadcasting, moreover, you don't have to plug in a cable, or rent a converter, or pay hundreds of dollars a year in subscriber fees or pay-per-view charges.

That word ''public'' in public broadcasting refers to something else, as well: a mission that cannot be replaced by commercial operators any more than your public library can be duplicated by Crown Books, a public school replaced by a New England prep school, or a national seashore duplicated by a commercial theme park.

Our unique mission is service to teachers, students and schools. This year, hundreds of thousands of Americans will earn their high school or college degrees through courses screened by local public television stations. Millions of teachers will use classroom versions of our most famous programs; my ninth-grade son, right now, is learning about the Civil War from his teacher—and from a laserdisc version of Ken Burns's masterpiece. As I speak to you, teachers across the nation are learning the new Goals 2000 math standards through a service called PBS MATHLINE. At 60 colleges—60 and growing—students can earn a two-year degree totally through PBS telecourses, without going to campus.

That is a side of public television many viewers, and many members of Congress, don't know enough about. That mission, however, sets us apart from every other broadcast and cable service in America. For us, you see, education isn't an afterthought, or window dressing or a sideline. It is in our institutional genes. It is central to our purpose.

Then there's our funding, public in the broadest sense of that word. Public television, for example, has between five and six million contributing members—five million householders who give generously to something they could get for free.

Locally and nationally, hundreds of public-spirited corporations underwrite programs—Mobil, General Motors, Archer Daniels Midland and AT&T. They can buy commercials elsewhere. Here, they care about another mission.

Generous and visionary foundations like Olin, MacArthur, the Pew Charitable Trusts, and Bradley also give.

And then, joining all these stakeholders in our enterprise, there's Congress. How much does Congress contribute each year to public broadcasting? Roughly 14 percent of the budget for this public-private enterprise. Fourteen percent. To put the question another way, how much of the Federal budget does the Corporation for Public Broadcasting account for? One fiftieth of one percent; two hundredths of the Federal budget. In decimal form, point zero two.

That's $1.09 per person, 80 cents of it for television. If you bought just about any newspaper in the country last Sunday, you paid more for that paper than you pay for public broadcasting for an entire year. Think of it: Sesame Street, MacNeil/Lehrer, NOVA, All Things Considered, Morning Edition—all this, all year, for less than the cost of a cup of coffee in Chicago. All of public television's buildings, facilities, stations, programs, all year—everything—for a dollar a year. We could operate PBS for ten years for what Fox paid for just one program: NFL Football.

Suppose we paid for interstate highways through such a public-private partnership, with Congress appropriating only 14 percent of the total. Suppose we used this model to pay for battleships or Capitol Hill offices and staffs? Government leaders of both parties, who rightly care about frugality and efficiency, about stretching every dollar, would, I'm sure, hold parades in the streets to celebrate such feats.

Well, public broadcasting IS funded through such a frugal, efficient partnership. Those who are taking aim at it, in my judgment, should instead be saying, like the master in that biblical parable, ''Well, done, thou good and faithful servants. Enter into the reward laid up for thee.''

CUT DOWN THE LIVING TREE, OR SAVE IT?

Some of our leaders, however, are speaking in a different way. They have targeted public broadcasting for a quick, sidelong choke that could mean its eventual extinction. They intend, they say, to ''privatize'' public broadcasting by stripping it of federal funding. The professional political term, inside the Beltway, is ''zeroing-out.''

So let me turn now to my third topic—privatizing, which at this point in the debate cannot be distinguished from another word: commercializing.

The opponents of public television deny that their opposition is ideological; they deny they want to censor or silence voices they don't like. After much complaint about that issue, they now say they have other, more innocuous reasons. Let us take them at their word.

They argue that the federal government has ''no mandate'' to keep funding public broadcasting; that noncommercial educational broadcasting is ''not essential'' to the nation. Surely, then, they plan to zero out, as well, The Smithsonian Institution? The National Gallery? The Kennedy Center? Federal support for the Internet? For these, too, are public institutions of education and culture, like public broadcasting. And these too, are not essential; not necessary to life. They are simply among the things that make life worth living, for rich and poor alike. Why single out public broadcasting? I wonder why.

Another complaint is that public broadcasting is elitist, a ''sandbox for the rich.'' All the factual evidence, all the research, all the data suggest the opposite: that the people who love public broadcasting are the very same people who make up America. The majority of viewers who watch opera on public television, for example, don't have a college degree, and their household incomes are less than forty thousand dollars a year.

What about the contention that public broadcasting is too expensive? the numbers you have heard poke big holes in that argument—especially when you add, to the numbers, the matching efforts that expand and multiply the federal contribution. To defund this enterprise for that reason—suddenly, unilaterally, and without consulting the millions of other stakeholders who produce far more of its support—would be pound-foolish, not economical. To people outside the Beltway, to thousands of local board members and volunteers, such talk doesn't sound like reform. It sounds like assisted suicide—a mask pressed down upon a patient who wants no such assistance, and whose family isn't allowed into the room.

Told how frugal we are, some of these detractors about-face, awkwardly, to yet another explanation: It's such a tiny amount, they say, it could easily be made up from ''other sources''—from toy sales, for example, tied to our programming. The numbers don't add up, but who's counting?

We need to be clear on one important point: In our economy, there is no such thing as nonprofit venture capital. That relatively small amount of federal funding—that 14 percent of public broadcasting's budget—is our seed money, our risk capital. If ''privatize'' means to ''zero out'' (and we're told it does); and if no clear plan exist for replacing that seed capital (and none has emerged), then to ''privatize,'' means, perforce, to commercialize. Take away public broadcasting's seed funding, starve it financially of its only venture capital, however small—and you force it headlong into the alien world of ad agencies and costs-per-thousand and merchandising, rather than the world of teachers and historians and community volunteers.

Surely those who speak of a quick, unilateral ''privatizing'' don't intend that to be the final destination. Or do they?

Finally, we hear that cable can do everything public television can do. Why not let a cable network, or several cable networks, program PBS—as a sort of re-run channel? Leave aside for the moment the implication here; the whiff of trickle-down TV. Ask some other questions: Is this in the public interest, or a commercial parody of the public interest? Would America like to lose what would be lost? Would America's existing commercial networks like such an outcome? What would such a scheme do public television's historic role as found and wellspring of innovative program ideas?

What, exactly, is the vision of those who would ''privatize'' public broadcasting? Is it a vision that preserves the original dream, or does it torch and destroy that dream? They don't say. Is it a vision worthy of those public-spirited Republicans and Democrats of the Carnegie Commission, who created a new model called public broadcasting 25 years ago? They don't say. Is it a vision for a new and better future? Or is it, in fact, a death warrant disguised as a new charter?

WHAT THE PEOPLE SAY

Perhaps our leaders on Capitol Hill need to listen to what the people say. A national poll conducted by opinion Research Corporation was released today. It suggests that most Americans—84 percent—want that small but vital federal stake in the partnership maintained or increased. Support for federal funding totals 80 percent among Republicans; 86 percent among independents; 90 percent among Democrats.

What do these numbers tell us? They suggest that the parents and teachers and grandparents of this nation—the people who live in homes with cable, and in the 32 million homes that don't subscribe—may want a better plan. They seem to want something more than vengeful zeroes, or ''privatization'' schemes that threaten to commercialize or kill.

Fortunately, the people of public broadcasting, and the people who cherish public broadcasting all over the nation, have lots of good ideas. All over the country, local stations are becoming educational teleplexes. They're planting the flag of education on new technologies. They're turning the existing infrastructure of public broadcasting into a free educational launching pad into cyberspace.

People within the world of public television have good ideas, as well, about renewing and refreshing public television: ideas, for example, about insulating its governance and financing from the political vagaries of each appropriations season. The original Carnegie Commission, made up largely of Republican business leaders, called for a national endowment, raised from a few pennies on the sale of each TV set and radio. That's one idea. A reserve of spectrum auction money is another. Tax credits and ''education technology grants'' are another.

The local leaders of public broadcasting are forward-looking. They are highly capable of planning the future of their enterprise. Before changes are hatched that might be ill-considered, we need some decent ground rules. Let me suggest three:

First, all of the stakeholders who support this local enterprise ought to be invited to the table. Otherwise, any outcome is likely to be imposed, not democratic.

Second, the process should be orderly, not precipitous; careful, not headlong. Public broadcasting has taken 40 years to achieve its present excellence. Why all this haste to dispatch it in 100 days, by a quick, sidelong fiscal choking?

Third, we need to be candid about the real motives underlying proposals for change. What are we to think about would-be surgeons who seem to despise their patient?

DO THEY HEAR US?

It was Edmund Burke who pointed out that the true conservatism lops off dead branches, in order to preserve the living tree. Public broadcasting, however imperfect it may be, is part of the living tree: the tree of education, culture and citizenship. To chop up that tree and sell it off as cordwood would be violent and extreme, not conservative.

The volunteers, professionals and board members of America's public broadcasting stations are eager to tell their leaders about the worth and potential of that living tree. They see a historian and educator as the House Speaker and they say, ''History: that's what we're about.'' They hear Speaker Gingrich discuss our need to nurture and care for our young and say, ''Education: that's what we're about.'' They hear Speaker Gingrich's speeches about futurism and technology and the Third Wave—about laptops for the poor—and they say, in so many words, ''Technology for humane ends: that's what we're about. Is he listening? Does he know we're here?''

Those same leaders look at the biography of Senator Pressler and see a son of Harvard; a Rhodes Scholar, a Senator whose constituents, many of them, live in rural places or are too poor to afford a monthly bill for cable, great as cable is. They say, ''We have a great deal to say to him. Will he listen?''

The people of public broadcasting—thousands of them, who have created jobs and educational services and community outreach projects out of their local stations, are ready to join in a discussion about its renewal and its future. But they will also fight the reflex to destroy what they have built. Today they know that millions of Americans agree with them.

Mr. ROBB. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. I ask unanimous consent that I be allowed to proceed for a few minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CLOTURE VOTE

Mr. PELL. Mr. President, I refer to my position on the vote we took earlier today on the cloture motion to curtail debate on the unfunded mandates bill. On that vote I declared a live pair but indicated I would have voted for cloture.

I was not comfortable with that vote, particularly because it placed me at cross purposes with the leadership on this side of the aisle in their campaign to assure fair treatment of the minority.

But I took the position I did in the context of the long-standing practice I

have followed since I first came to the Senate in 1961. And that practice is simply to support termination of debate except in extraordinary circumstances and to allow a majority of the Senate to work its will.

Over the 34 years that I have served in the Senate, I have cast 327 votes in favor of cloture, and some 55 of those were cast when our party was in the minority.

But in the same period I have always reserved the right to support continued debate—or at least not voting for cloture—when there were clear and extraordinary circumstances which called for extended deliberations.

Indeed, there have been some 32 occasions in which I either paired or, as in two cases, voted against cloture, or was absent. In the future, I expect to continue my longstanding practice of voting for cloture.

Mr. President, I ask unanimous consent that I may print in the RECORD a listing of issues on which I have voted for cloture from the 87th Congress through the 103d Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PELL CLOTURE VOTES

87TH CONGRESS

Amend rule 22.
Literacy tests (2).
Communication satellite.

88TH CONGRESS

Amend rule 22.
Civil rights.

89TH CONGRESS

Voting rights.
Right-to-work (3).
Civil rights (2).
D.C. home rule.

90TH CONGRESS

Amend rule 22.
Open housing (4).
Fortas nomination.

91ST CONGRESS

Amend Rule 22 (2).
Electoral college (2).
Supersonic transport funds (2).

92D CONGRESS

Amend rule 22 (4)
Military draft.
Lockheed loan.
Rehnquist nomination.
EEOC (3).
U.S. Soviet Arms Pact.
Consumer Agency (2).

93D CONGRESS

Voter registration (3).
Campaign financing reform (4).
Rhodesian chrome (3).
Legal services (3).
Genocide treaty (2).
Government pay raise.
Public debt ceiling (3).
Consumer Protection Act (4).
Export-Import Bank (4).
Trade reform.
Supplemental appropriations (school desegregation).
Social Services.
Upholstery import regulations/Taxes and tariff.

94TH CONGRESS

Regional railroad reorganization.
Cloture reform (2).
Tax reduction (2).
Consumer Protection Agency.
Personal Senate committee staff.
New Hampshire Senate contest (6).
Voting Rights Act (2).
Oil price ceiling.
Labor-HEW/busing (2).
Common-site parking (2).
Railroad reorganization.
New York aid.
Rice production.
Antitrust bill (2).
Civil rights attorney's fees.

95TH CONGRESS

Vietnam draft evader pardon.
Campaign financing (3).
Natural gas deregulations.
Labor law reforms (6).
Tax reduction.
Energy tax conference report.

96TH CONGRESS

Windfall profits tax (4).
Nomination of William A. Lubbers to general counsel, NLRB (2).
Rights of institutionalized persons (4).
Draft registration.
Nomination of Don Zimmerman to be a member of NLRB (2).
Alaska lands.
Vessel tonnage/surface mining.
Fair Housing amendments (2).
Nomination of Stephen Breyer to be U.S. Circuit Court Judge.

97TH CONGRESS

Dept. of Justice authorization/busing (2).
Broadcasting of Senate Chamber proceedings.
Criminal Code Reform Act of 1982.
Urgent Supplemental Appropriations, 1982.
Voting Rights Act extensions.
Temporary debt limit increase/abortion.
Temporary debt limit increase/school prayer (4).
Antitrust contributions (2).
Surface Transportation Assistance Act (5).

98TH CONGRESS

Emergency jobs appropriations.
Emergency jobs appropriations, amendment on interest and dividend tax withholding (3).
Natural Gas Policy Act Amendments.
Capital Punishment.
Hydroelectric Power Plants.
Budget Act Waiver, agriculture appropriations (2).
Nomination of J. Harvie Wilkinson, III, to be a circuit judge.
Financial Services Competitive Equity Act (2).
Broadcasting of Senate Proceedings (2).
Continuing Appropriations, Civil Rights Act of 1984.

99TH CONGRESS

South African Anti-Apartheid (4).
Line Item Veto (3).
Public Debt Limit/Balanced Budget.
Conrail Sale (2).
Sydney A. Fitzwater to be District Judge.
Metropolitan Washington Airports Transfer (2).
Hobbs Act Amendment.
National Defense Authorization Act, FY 1987.
Military Construction Appropriations, 1987 (Contra Aid).
William Rehnquist to be Chief Justice.
Product Liability Reform Act.
Anti-Drug Abuse Act of 1986.
Immigration Reform and Control Act.

100TH CONGRESS

Contra Aid Moratorium (3).
Stewart B. McKinney Homeless Assistance Act.
DOD Authorization FY '88 & '89 (3).
Senatorial Election Campaign Act (5).
Omnibus Trade and Competitiveness Act of 1987 (3).
Melissa Wells to be Ambassador to Mozambique.
Senatorial Election Campaign Act (3).
DOD Authorization FY' 88 & '89 (2).
C. William Verity to be Secretary of Commerce.
War Powers Act Compliance.
Energy and Water Development Appropriations.
Polygraph protection.
Intelligence oversight.
High-Risk Occupational Disease Notification/Prevention Act (4).
Constitutional Amendment on Campaign Contributions (2).
Extension of the Immigration and Nationality Act.
Death Penalty for Drug Related Killings.
Great Smokey Mountains Wilderness Act (2).
Plant Closing Notification Act (2).
Textile, Apparel, and Footwear Trade Act.
Minimum Wage Restoration Act of 1988 (2).
Parental and Medical Leave Act (2).

101ST CONGRESS

National Defense Authorization Act FY 1990–91.
DOT Appropriations.
Eastern Airlines Labor Dispute (2).
Nicaragua Election Assistance.
Ethics in Government Act.
Armenian Genocide Day of Remembrance (2).
Hatch Act Reform.
AIDS Emergency Relief.
Chemical Weapons.
Federal Death Penalty Act of 1989 (2).
Air Travel Rights For Blind.
Civil Rights Act of 1990.
National Defense Authorization Act FY 1991.
Motor Vehicle Fuel Efficiency Act (2).
Family Planning Amendments, 1989.
National Voter Registration.
Foreign Operations Appropriations, 1991.

102D CONGRESS

Retail Price Maintenance (2).
Violent Crime Control Act of 1991 (5).
National Voter Registration Act (4).
Veterans and H.U.D. Appropriations, 1992.
Foreign Assistance Authorization (3).
Unemployment Compensation.
National Defense Authorization Act FY 1992–93.
Department of Interior Appropriation, 1992.
Federal Facility Compliance Act of 1992.
Civil Rights Act of 1992.
National Energy Security Act.
Deposit Insurance Reform Act.
Hostages in Iran Investigation.
Crime Control Act of 1991.
National Literacy and Strengthening Education for American Families Act.
National Cooperative Research Act Extension of 1991.
Lumbee Tribe Recognition Act.
Corporation for Public Broadcasting Reauthorization.
Appropriations Category Reform Act.
NIH Reauthorization Act, 1992.
Workplace Fairness Act (2).
Comprehensive National Energy Policy Act (2).
Product Liability Fairness Act (2).
National Literacy and Strengthening Education for American Families Act (2).
Labor-HHS Appropriation, 1993.
START Treaty.
Comprehensive National Energy Policy Act.
Tax Act.

103D CONGRESS

National Voter Registration Act (4).

Supplemental Appropriations, 1993 (4).
Campaign Finance Reform Act (6).
Natl. and Community Service.
Walter Dellinger—Atty. General.
Interior Conference Report (3).
State Department; 5 Nominees.
Brady Handgun (2).
Janet Napolitano to be US Attorney.
National Competitiveness Act.
Fed. Workforce Restruct. Conf. Rpt. (2).
Goals 2000: Conf. Rept.
Derek Shearer.
Sam W. Brown etc. (2).
Product Liability Fairness (2).
Striker Replacement (2).
Crime Bill Conference.
California Desert Protection.
Ricki Tigert.
H. Lee Sarokin.
Elem. & Second. Education.
Lobbying Disclosure (2).
California Desert Protection.

MEXICAN FINANCIAL CRISIS

Mr. PELL. Mr. President, over the last 3 weeks a steep decline in the value of the Mexican peso has precipitated a financial crisis with worldwide implications. The peso's loss has not only shaken investor confidence on the Mexican stock market, but triggered a short-term debt crisis that is affecting currencies and markets throughout the hemisphere. Without a swift and sure response to this crisis, Mexico could face serious economic decline and political instability.

President Clinton was quick to recognize the long-term danger this poses for all of us. A Mexican crisis would hit the United States economy hard by reducing Mexico's ability to import United States goods and services. It could increase illegal immigration and destabilize the Mexican Government. Finally, it could spread to other emerging market economies and further reduce U.S. exports.

In light of these potential consequences, the administration moved expeditiously to propose a package of loan guarantees to address the problem. The Departments of Treasury and State have been working closely with the bipartisan leadership of the House and the Senate to craft a loan guarantee package that will bring an end to the crisis without costing money to the American taxpayer. I hope that soon we will be able to move forward on legislation to help resolve the Mexican crisis while addressing the legitimate concerns that many have raised.

I am concerned that the loan guarantee program be structured so it will not become a cost to our taxpayers.

In addition it is important there be full disclosure to Americans of those investors, United States, Mexican, and others, who will benefit by our United States action to guarantee up to $40 billion of Mexican Government bonds used to satisfy Mexican Government obligations to those investors.

Mr. President, yesterday at the Department of Treasury, President Clinton spoke about the broader implications of the Mexican situation and about the package being put together to respond to it. I believe his remarks were very helpful and instructive, and I ask unanimous consent that they be printed in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT, JANUARY 18, 1995

The PRESIDENT. Thank you very much, Secretary Rubin and Ambassador Kantor.

Ladies and gentlemen, we wanted to be here today to make the clearest public case we can for the proposal, which has been developed by the administration and the bipartisan leadership in Congress, for dealing with the present situation.

We have worked hard with an extraordinary group of people who have joined forces because all of us realize how important this proposal is—not only to the people of Mexico but also to the United States and to our workers. We are acting to support the Mexican economy and to protect and promote the interests of the American people.

As Ambassador Kantor said, and as all of you know very well, we live in an increasingly global economy in which people, products, ideas and money travel across national borders with lightning speed. We've worked hard to help our workers take advantage of that economy by getting our own economic house in order, by expanding opportunities for education and training, and by expanding the frontiers of trade, by doing what we could to make sure there was more free and fair trade for Americans. And we know, and all of you know, that those efforts are creating high wage jobs for our people that would otherwise not be there.

Our goal, our vision must be to create a global economy of democracies with free market not government-run economies; democracies that practice free and fair trade, that give themselves a chance to develop and become more prosperous, while giving our own people the opportunity they deserve to reap the benefits of high-quality, high-productivity American labor, in terms of more jobs and higher incomes.

We have pursued this goal with vision and with discipline, through NAFTA, through the Summit of the Americas, through a number of other international endeavors, like GATT and the Asian Pacific Economic Cooperation Group. But we have pursued it especially here in our own hemisphere, where we are blessed to see every nation but one governed in a democratic fashion, and a genuine commitment to free market economics and to more open trade.

We have to know that the future on this path is plainly the right one, but as with any path, it cannot be free of difficulties. We have to make decisions based on a determined devotion to the idea of what we are pursuing over the long run. We know that given the volatility of the economic situation in the globe now, there can be developments that for the moment are beyond the control of any of our trading partners, themselves developing nations, which could threaten this vision and threaten the interests of the American people.

Mexico's present financial difficulty is a very good case in point. Of course, it's a danger to Mexico, but as has already been said, it is plainly also a danger to the economic future of the United States.

NAFTA helped us to dramatically increase our exports of goods and services. It helped us to create more than 100,000 jobs here at home through increased exports to Mexico. But over the long run, it means even more. It means even more opportunities with Mexico, it means the integration of the rest of Latin America and the Caribbean into an enormous basket of opportunities for us in the future. And we cannot—we cannot let this momentary difficulty cause us to go backward now.

That's why, together with the congressional leadership, I am working so hard to urge Congress to pass an important and necessary package to back private sector loans to Mexico with a United States government guarantee. Let me say, I am very gratified by the leadership shown in the Congress on both sides of the aisle.

By helping to put Mexico back on track, this package will support American exports, secure our jobs, help us to better protect our borders, and to safeguard democracy and economic stability in our hemisphere—because America and American workers are more secure when we support a strong and growing market for our exports; because America and American workers are more secure when we help the Mexican people to see the prospect of decent jobs and a secure future at home through a commitment to free-market economics, political democracy and growing over the long term; and because we're more secure when more and more other countries also enjoy the benefits of democracy and economic opportunity; and, perhaps most important, over the long run, because we are more secure if we help Mexico to remain a strong and stable model for economic development around our hemisphere and throughout the world.

If we fail to act, the crisis of confidence in Mexico's economy could spread to other emerging countries in Latin America and in asia—the kinds of markets that buy our goods and services today and that will buy far more of them in the future.

Developing these markets is plainly in the interests of the American people. We must act to make sure that we maintain the kind of opportunities now being seized by the Secretary of Commerce and the delegation of American business leaders who have had such a successful trip to India.

If you take Mexico, just consider the extraordinary progress made in recent years. Mexico erased a budget deficit that once equalled 15 percent of its Gross Domestic Product. It slashed inflation from 145 percent a year to single digits. It sold off inefficient state enterprises, dramatically reduced its foreign debt, opened virtually every market to global competition. This is proof that the Mexican government and the Mexican people are willing to make decisions that are good for the long run, even if it entails some short-term sacrifice for them, they know where their future, prosperity and opportunity lie.

Now Mexico, of course, will have to demonstrate even greater discipline to work itself out of the current crisis. Let me say, through, it's important that we understand what's happened. And the Secretary of Treasury and I and a lot of others spent a lot of time trying to make sure we understood exactly what had happened before we recommended a course of action.

It is clear that this crisis came about because Mexico relied too heavily upon short-term foreign loans to pay for the huge upsurge in its imports from the United States and from other countries. A large amount of those debts come due at a time when because of the nature of the debts, it caused a serious cash flow problem from Mexico, much like a family that expects to pay for a new home with the proceeds from the sale of its old house only to have the sale fall through.

Now, together with the leadership of both houses, our administration has forged a plan that makes available United States government guarantees to secure private sector loans to Mexico. The leadership in Congress from both sides of the aisle and the Chairman of the Federal Reserve Board developed

this plan with us. It is something we did together because we knew it was important, important enough to the strategic interest of the United States to do it in lockstep and to urge everyone without regard to party or region of the country or short-term interests to take the long view what is good for America and our working people.

We all agree that something had to be done. Now, these guarantees, it's important to note, are not foreign aid. They are not a gift. They are not a bailout. They are not United States government loans. They will not affect our current budget situation. Rather they are the equivalent of cosigning a note, a note that Mexico can use to borrow money on its own account. And because the guarantees are clearly not entirely risk-free to the United States, Mexico will make an advanced payment to us, like an insurance premium. No guarantees will be issued until we are satisfied that Mexico can provide the assured means of repayment. As soon as the situation in Mexico is fully stabilized, we expect Mexico to start borrowing once again from the private markets without United States government guarantees.

The U.S. has extended loans and loan guarantees many, many times before to many different countries. In fact, we've had a loan mechanism in place with Mexico since 1941. And Mexico has always made good on its obligations.

Now, there will be tough conditions here to make sure that any private money loaned to Mexico on the basis of our guarantees is well and wisely used. Our aim in imposing the conditions, I want to make clear, is not to micromanage Mexico's economy or to infringe in any way on Mexico's sovereignty, but simply to act responsibly and effectively so that we can help to get Mexico's economic house back in order.

I know some say we should not get involved. They say America has enough trouble at home to worry about what's going on somewhere else. There are others who may want to get involved in too much detail to go beyond what the present situation demands or what is appropriate. But we must see this for what it is. This is not simply a financial problem for Mexico; this is an American challenge.

Mexico is our third largest trading partner already. The livelihoods of thousands and thousands of our workers depend upon continued strong export growth to Mexico. That's why we must reach out and not retreat.

With the bipartisan leadership of Congress, I am asking the new Congress to cast a vote, therefore, for the loan guarantee program as a vote for America's workers and America's future. It is vital to our interests; it is vital to our ability to shape the kind of world that I think we all know we have to have.

No path to the future—let me say again—in a time when many decisions are beyond the immediate control of any national government, much less that of a developing nation, no path to the future can be free of difficulty. Not every stone in a long road can be seen from the first step. But if we are on the right path, then we must do this. Our interests demand it, our values support it, and it is good for our future.

Let me say again that the coalition of forces supporting this measure is significant—it may be historic. The new Republican leaders in Congress, the leadership of the Democratic Party in Congress, the Chairman of the Federal Reserve Board—why are they doing this? And I might say, I was immediately impressed by how quickly every person I called about this said, clearly, we have to act. They instinctively knew the stakes.

Now, in the public debate, questions should be properly asked and properly answered. But let us not forget what the issue is, let us not read to little into this moment, or try to load it up with too many conditions, unrelated to the moment. The time is now to act. It is in our interest. It is imperative to our future. I hope all of you will do what you can to take that message to the Congress and to the American people.

Thank you very much. (Applause).

Mr. PELL. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 171 TO AMENDMENT NO. 31

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator DODD be listed as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, will the distinguished Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. LOTT. Just to clarify a couple of points that we discussed, if the leadership should come in and need some time for discussion, I am certain the Senator's intention is to yield for that. Is that correct?

Mr. WELLSTONE. Mr. President, the Senator from Mississippi, the majority whip, is correct.

Mr. LOTT. Is the Senator going to seek a time agreement on this amendment?

Mr. WELLSTONE. Mr. President, I will be pleased to seek a time agreement. If we are going to plan for it around 8:30, 30 minutes would be fine, equally divided. I ask, if the other side does not need 15 minutes, I might need a little bit more than 15 minutes. Is that all right?

Mr. LOTT. I think it would be appropriate to ask unanimous consent that the time limit on this amendment be limited to 30 minutes equally divided, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. If the Senator will yield for one more moment, I will ask unanimous consent, if it meets with the approval of the Democratic side. I ask unanimous consent that a rollcall vote occur at 8:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank the Senator.

Mr. WELLSTONE. Mr. President, I ask for regular order.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. DODD, proposes an amendment numbered 171 to amendment No. 31.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the language proposed to be inserted, add the following:

SEC. . CHILDRENS' IMPACT STATEMENT.

Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

Mr. WELLSTONE. Mr. President, thank you.

Mr. President, this amendment is a children's impact statement that Senator DODD and I proposed. This amendment says, and I quote for my colleagues:

Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

Mr. President, this essentially says—and it is very consistent with this overall piece of legislation—that if a committee with legislation reports out a separate report, as we often do, then that report should include an impact statement of the impact of that piece of legislation will have on children, and if it does not, then that piece of legislation will not be in order on the floor.

Mr. President, that is the same point of order that is the methodology of this piece of legislation.

Mr. President, I want to be clear with my colleagues that this is very different from the amendment that I proposed last week. The amendment I proposed last week said that if we were going to be moving forward on an agenda that I believe is going to be very mean spirited, it is important that we go on record with an assurance to people that we will not be passing any piece of legislation, any cut, any amendment, which could lead to an increase in homelessness or an increase in hunger among children. That amendment was voted down. I will bring that amendment back to the

floor for a separate vote. I will continue to do so because I think this is something on which all of us, Democrats and Republicans, should go on record.

Mr. President, this particular amendment, this children's impact statement, is a little bit different. What I am essentially saying is that if we are going to be talking about the impact of legislation on State governments, the impact of legislation on local governments, the impact of legislation on large corporations, or for that matter small businesses, then we ought to be willing to look carefully at the impact of legislation on our children.

By the way, I say to my colleagues, this is a very moderate proposal. I am just simply trying to require that when committees have a report, that included in that report there be a children's impact statement. We will all look carefully at the impact of what we are doing with our legislation on children.

In context, Mr. President, The Children's Defense Fund just came out with a study. Unfortunately, this closely parallels some fairly rigorous analysis that is being done right now about where we are heading by the year 2002, if in fact we move forward with a balanced budget amendment. But part of the balanced budget amendment equation is that we increase Pentagon spending, we engage in this continuing war for more and more tax cuts, and in addition we leave other major spending categories out or we put them in parentheses. The question becomes, then, what do you need to do to cut $1.2 trillion or $1.3 trillion? The assumption is, we may very well, with what is left in the budget, be talking about a 30-percent cut in programs that help children and families.

If that is the case the Children's Defense Fund estimates that in the United States, just looking at fiscal year 2002, we would be talking about overall 1,992,550 babies, preschoolers, and pregnant women losing infant formula and other WIC nutrition supplements.

Mr. President, this is an estimate of how many children would be affected in fiscal year 2002. This is very well the direction we could be going in. By the way, Mr. President, I think one of the reasons some of leadership that has been pushing so hard on a balanced budget amendment is unwilling to talk about where the cuts will be before they get a vote on this amendment is because the arithmetic is so compelling. And in many, many ways, by the way, we are going very much against the mandates from people in this country. I thought we were trying to act on that mandate, because one of the things people have said to us is to be truthful, be straightforward, and be honest with us, do not try and finesse us.

I think one of the reasons—and I am only taking one part of this agenda—a good part of the leadership—Mr. ARMEY is just one—that is unwilling to talk specifically about where the cuts are going to take place before people vote up or down on this proposal is because of where the cuts will take place. While I cannot be certain, given what has been taken off the table, given what Senators do not seem to be willing to look at by way of cuts, then we can only look at that part of the budget which is on the table. And when we look at that part of the budget which is on the table, unfortunately, we are talking about cuts in programs that are extremely important for the most vulnerable citizens in this country, and I am talking specifically about children, Mr. President.

So, Mr. President, within that context, let me simply move forward and talk a little bit about some of these projections, because they are frightening. I want people in the country to know about them, and I want my colleagues to understand the context of this amendment.

The context of this amendment, again, is that by 2002, on present course, we could very well see 1,992,550 babies, preschoolers, and pregnant women who would lose infant formula and other WIC nutrition supplements. Women, Infants, and Children is what WIC stands for. By the way, as a former teacher, I argue that the most important education program in the United States of America is to make sure that every woman expecting child has a diet rich in vitamins, minerals, and protein. Otherwise, that child, at birth, will not have the same chance. These are the kind of cuts: 4,258,450 children would lose food stamps; 7,564,550 children would lose free or subsidized school lunch program lunches. Mr. President, it is not very easy for children to do well in school if they are hungry. It is a stark reality that all too many children go to school hungry. Mr. President, 6,604,450 children would lose Medicaid health coverage; 231,100 blind and disabled children would lose supplemental security income, SSI; 209,050 or more children would lose the Federal child care subsidies that enable parents to work or get education and training; 222,150 children would lose Head Start early childhood services.

Mr. President, how interesting it is—I am not going to go through all the figures—that all of us in public service want to have our photos taken next to children, and the only thing I am trying to do with this amendment is to simply say that before we go too far, why do we not at least—consistent with the overall framework of this legislation—as long as we are talking about impact statements, why do we not at least say that committees, when they have their accompanying report—and quite often that is the case—have as a part of that report a child impact statement so that we at least know what we are doing. This is, from my point of view, a very moderate proposal.

Mr. KEMPTHORNE. If the Senator will yield, Mr. President. In order that other Members of the Senate can have some sense as to what may take place tonight, we do have one vote that has been ordered, which will occur at 8:30.

I ask unanimous consent that we designate that that will be the Levin amendment, at 8:30.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. KEMPTHORNE. Further, Mr. President, it will be my intention to move to table the current amendment that is being debated, and at that point I will be asking for the yeas and nays so that all Senators will know that after the first vote occurring at 8:30, in all likelihood there will be a second vote to immediately follow.

Mr. LEVIN. Reserving the right to object. I understand the Wellstone amendment is a second-degree amendment to my amendment. So it would have to be—

If the Senator from Idaho would withhold.

Mr. WELLSTONE. Will the Senator yield for a moment?

Mr. LEVIN. Yes.

Mr. WELLSTONE. I was about to ask unanimous consent that my amendment be considered as a second-degree amendment to the Gorton amendment. I do make that request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Mr. President, reserving the right to object, and I will not. As I understand the unanimous-consent request—or the statement of the manager, it is that there would be a rollcall vote on the Levin amendment at 8:30, and immediately following that, a rollcall vote on the Wellstone amendment—excuse me, to vote on a motion to table that the Senator from Idaho intends to make on the Wellstone amendment.

Mr. KEMPTHORNE. That is correct. I will be requesting the yeas and nays.

Mr. LEVIN. I thank my friend from Minnesota.

Mr. KEMPTHORNE. Mr. President, again, I thank the Senator from Minnesota for the courtesy of letting me interrupt.

Mr. WELLSTONE. I thank the Senator from Idaho, and I appreciate the work he is doing on the floor.

Mr. President, I have to say to my colleague, whom I really respect, that I am disappointed and a little bit dismayed at what would be, I gather, a motion to table this amendment. Mr. President, I have a State-by-State projection of what could very well be the impact of the balanced budget amendment on children in the United States. This report was written by the Children's Defense Fund. I intend to distribute a copy to all of my colleagues, so they can see these projections for themselves.

Mr. President, one more time, first let me start with some pretty amazing figures. I just do not quite think we are

grasping this here in the Chamber, right here in this legislative body.

''One Day in the Life of American Children,'' was the Children's Defense Fund yearbook of 1994. I never heard anybody refute these statistics, by the way. I would like to persuade the Senator from Idaho to have a different motion. ''One Day in the Life of American Children'': 3 children die from child abuse in the United States of America; 9 children are murdered; 13 children die from guns; 27 children in the classroom die from poverty; 30 children are wounded by guns; 63 babies die before they are 1 month old; 101 babies die before their first birthday; 145 babies are born at very low birthweight; 102 children are arrested for drug offenses; 207 children are arrested for crimes of violence; 340 children are arrested for drinking or drunken driving. I could go on and on and on.

Mr. President, again, here are some figures that I have used: Every 5 seconds a child drops out of school in the country; every 30 seconds a child is born into poverty; 1 out of 5 children in the country today is poor, going on 1 out of 4; 1 out of every 2 children of color are poor; every 30 seconds a child is born into poverty; every 2 minutes a baby is born severely underweight. I combine these with these figures.

Now we are talking about a Contract With America, where, by the way, there is not one word or one sentence in this Contract With America that calls on any large financial institution, any large corporation, to make any sacrifice whatsoever. My fear—and I have to tell you by this motion to table that I fear my fear is being confirmed—is that what we are going to do is have deficit reduction. We can have deficit reduction without riding roughshod over children. All that I am asking my colleagues to do, on both sides of the aisle, is given these projections, 1,992,550 babies, preschoolers, and pregnant women would lose infant formula and other WIC nutrition supplements, in the year 2002, given where we are heading—I could be wrong—I hope I am wrong—but I could be right.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WELLSTONE. I ask unanimous consent that I may have 5 more minutes.

Mr. KEMPTHORNE. I have no objection. In fact, Mr. President, I yield 5 minutes of my time to the Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Idaho.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. WELLSTONE. Mr. President, all I am asking of my colleagues is, given the direction we could very well be going, before we pass legislation, pass amendments, make cuts that are going to hurt children in America, those citizens that are most vulnerable, that could very well take the poorest of citizens in our country and put them in a worse position, if we are considering legislation that says we should consider the impact of what we do on businesses, on State governments, on county governments, is it too much for me to ask my colleagues that we pass an amendment that committees with their accompanying report have in that report a children's impact statement; that is to say, what is the impact of this legislation on children in this country? And, if not, then there could be a point of order lodged.

I do not know how many of my colleagues right now are watching C–SPAN, but let me just be blunt. Sometimes we do not know—I say this to my good friend from Idaho—sometimes we do not know what we do not want to know. Let me repeat that. Sometimes we do not know what we do not want to know.

And I think this may be an example. The only thing this amendment asks us to do is to make sure that in our legislative work we have a children's impact statement. It could very well be that, as a result of where we are heading with this contract, where we are heading with this balanced budget amendment, we are not going to make any cuts in oil or coal subsidies or military contracts but we are going to make cuts in programs that provide basic nutritional assistance to children in this country. Is it too much for me to ask of my colleagues that they agree that we do impact statements in reports that accompany committee legislation?

What is anyone afraid of? Why would anyone vote against this? What is unreasonable about this?

Mr. President, I say to my colleagues, I think we should have 100 votes for this. This is a moderate proposal.

The only reason that I can see why Senators would vote against this is because, in fact, the Children's Defense Fund's projections about what we are going to do in 2002 are correct.

Mr. President, I would like to finish on this note. I am a U.S. Senator from Minnesota. The floor is where we bring amendments. The floor is where we do our work. I am not trying to put people in a politically embarrassing position on votes. Senators can vote any way they want to.

But I want to say to my colleagues, I am going to fight hard on these issues and I am going to come back with this amendment, I am going to come back with another amendment on this bill—I am hoping I can get support for this amendment—because I want people in the United States of America to know the direction we are going in.

There is too much goodness in this country to support these kinds of cuts. There is too much goodness in this country to end up hurting children.

And now I have an amendment to just ask my colleagues to go on record to do an impact statement on legislation that comes out of committee with an accompanying report. I heard there is going to be a motion to table. I want people in the country to see that. I want people in the country to understand that I am going to come back over and over again. And I do not care whether any of this is ever used in any 10-second, 15-second or 30-second ads. As a matter of fact, I am told that conventional wisdom these days is that it is ''not a winner'' to be so active on children's issues.

But I do not believe that. I think people care about goodness. I think people care about fairness. I think people care about opportunity. And I do not think the citizens in this country, the citizens in Minnesota, think it is unreasonable that we do a children's impact statement on the legislation that we are dealing with and on the budget cuts that we are dealing with.

Again, sometimes we do not know what we do not want to know. At least should we not be willing to include the children's impact statement? I hope my colleagues will vote for this amendment.

Again, I do want to make sure that Senator DODD is listed as an original cosponsor. I would be pleased to speak a little more, but the Senator from Idaho may want to respond.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, first, let me commend my friend from Minnesota, who is a strong and a great advocate for children, as I feel that I am, also.

When he made the comment there at the end that you may not be a winner currently if you are a real advocate for children, I think he and I will agree that we will reject that notion. We need to do all that we can for children.

Now I appreciate the Senator's concern and I appreciate what he said tonight. But I think we are taking different tacks in order to accomplish really what he is talking about.

The committees that have jurisdiction over programs with jurisdictions affecting children would include this information on their report on relevant legislation. S. 1 is a bill about unfunded mandates on States and cities, unfunded mandates for cities and States to use scarce dollars that would otherwise be spent on discretionary programs, including programs to help children.

Now, Boyd Boehlje, who is the president of the National School Boards Association, said:

> * * * the more than 95,000 locally elected school board members nationwide * * * strongly support S. 1. This legislation would establish the general rule that Congress shall not impose Federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year.
>
> Today school children throughout the country are facing the prospect of reduced classroom instruction because the Federal Government requires, but does not fund,

services or programs that school boards (must) implement * * *. Our nation's public school children must not pay the price of unfunded federal mandates.

And he said on another occasion, Mr. President, that the very children that Congress is most concerned about protecting are hurt most often by these unfunded Federal mandates.

This amendment would require all committees to prepare such a report on all legislation, including legislation dealing with the Securities and Exchange Commission, which would have to file a report even when the legislation does not affect children. This amendment was part of another amendment the Senate considered earlier this year and was tabled by a vote of 56 to 43.

Mr. WELLSTONE. Will the Senator yield?

Mr. KEMPTHORNE. In just a moment.

Mr. President, again, this bill is a process bill. Those committees that have jurisdiction must include in their report the very aspects that the Senator from Minnesota has been pointing out.

So again, it is with all due respect that I will be making the motion to table, but with a great deal of respect for the Senator raising this issue.

I yield the floor.

If I may inquire, how much time is remaining?

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds.

Mr. KEMPTHORNE. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota

Mr. WELLSTONE. I thank the Senator from Idaho.

Mr. President, first of all, just so my colleagues have a full understanding of what is at issue here, this amendment is not in opposition to this unfunded mandates legislation at all. And the fact that, Mr. President, that local school board official or others say that they think the unfunded mandates bill would benefit children does not in any way, shape, or form detract from this amendment. This amendment is actually meant to just support this piece of legislation. This amendment speaks not to the unfunded mandates bill, but this amendment speaks to where we are heading with our budget cuts.

Mr. President, I believe the Senator from Idaho will hear from many locally elected officials, including school officials, who are very worried that if, in fact, we cut into all of these kinds of programs, starting with child nutrition programs, that States and/or local governments are going to have to pick them up—maybe school districts—out of a property tax.

Actually, what the Senator was talking about was kind of an apples and oranges proposition. This amendment is not in opposition to the unfunded mandates legislation. This amendment just says that if we are going to look at the impact of what we are doing on State governments or if we look at the impact on what we are doing on companies, we ought to look at the impact of what we are doing on children. That is all this amendment says. This amendment says that if a committee is going to file a report, and if the committee is working on legislation or budget cuts that affect children, then there ought to be a children's impact statement. That is all this amendment says.

One more time, it strengthens this piece of legislation. It just gives the Senate the same concern about children, that we are at least willing to look at the impact of what we are doing on children. And Mr. President, these numbers by Children's Defense Fund, that are backed up by numbers by a lot of organizations, suggest we could very well be going in the direction with this Contract With America of cutting programs that provide essential support for the most vulnerable citizens in this country—children.

I am saying before we rush headlong down that path, at least let Senators be intellectually honest and policy honest and have the child impact statement.

Again, I do not really understand the opposition from my colleagues. We want to look at the impact of what we do on State governments. We want to look at the impact of what we do on businesses. But for some reason, we do not want to look at the impact of what we do on children in America.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Idaho has 3 minutes and 20 seconds remaining.

Mr. KEMPTHORNE. Mr. President, I inquire of my friend from Minnesota, I have nothing else to add, but if the Senator would like the remaining time, I would like to yield the time.

Mr. WELLSTONE. I thank the Senator from Idaho for his courtesy. I yield the rest of my time.

Mr. KEMPTHORNE. Mr. President, I yield back the remainder of my time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. KEMPTHORNE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 170, AS MODIFIED

The PRESIDING OFFICER. The question occurs now on agreeing to amendment No. 170, as modified, offered by the Senator from Michigan, Mr. LEVIN. The yeas and nays have been ordered. The clerks will call the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota [Mr. PRESSLER] would vote ''yea.''

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—96

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Ashcroft	Feinstein	McCain
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Gramm	Murray
Bradley	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bryan	Harkin	Pell
Bumpers	Hatch	Pryor
Burns	Hatfield	Reid
Byrd	Heflin	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Dole	Lautenberg	Thompson
Domenici	Levin	Thurmond
Dorgan	Lieberman	Warner
Exon	Lott	Wellstone

NOT VOTING—4

Helms	Leahy
Johnston	Pressler

So the amendment (No. 170), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

Mr. DOLE. Mr. President, if we can have order, I wanted to make a brief statement here before the next vote.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I submitted to the distinguished Democratic leader a unanimous-consent request and have not yet had an opportunity to talk with the Democratic leader. So, because I am not certain this will be the last vote, I suggest the absence of a quorum while we have that conversation.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me say that we have been working in good faith on both sides today and part of yesterday to put an agreement where we would be in session tomorrow but not have any votes, and on Monday, consider amendments but no votes before 4 o'clock. The proposal was that all the amendments that we had agreed to be put in this little basket to be offered by 3 o'clock on Tuesday. We thought that was fair. We whittled our numbers from 30-some down to 11, and I think on the Democratic side, it was 78 down to 42 or 43. Some of those may or may not be offered. We are unable to get that agreement, unfortunately.

I will first ask unanimous consent that all remaining committee amendments be considered, en bloc, and agreed to and, failing that, we will have a vote on a motion to table the pending amendment, and there will be 5 additional votes on the committee amendments.

So I ask unanimous consent that all remaining committee amendments be considered, en bloc, agreed to, and the motion to reconsider be laid upon the table, and that they be considered original text for the purpose of further amendments.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President. I hope that the majority leader will present the entire agreement that was proposed.

Mr. DOLE. I am happy to read it. I tried to summarize it.

Mr. BYRD. I am looking at it here and I am sorry to say the summary does not reflect all that the agreement entails. I hope the majority leader will read the agreement, let us listen to it, and see if we want to agree to it.

Mr. DOLE. That is fair enough. Let me do that. This is the agreement I proposed and that we discussed, as I say, on both sides in good faith:

I ask unanimous consent that the following amendments be the only amendments in order to S. 1; that they be offered as first or second-degree amendments, if Committee amendments are available to offer them to, and that they be subject to relevant second-degree amendments.

Then I would either read or submit the list. You had about 40, and we had about 11.

I further ask consent that all first-degree amendments must be offered on 3 p.m. on Tuesday, January 24, and that at 2:30 p.m. on Tuesday, the minority manager be recognized to offer any amendment on the list from the minority side of the aisle; that no later than 2:45 p.m. on Tuesday, the majority manager be recognized to offer any amendment on the list from the majority side of the aisle.

I further ask unanimous consent that following the disposition of the above-listed amendment and any remaining committee amendments, that the bill be advanced to third reading, and the Senate proceed to final passage of S. 1, as amended, all without any intervening action or debate.

I further ask unanimous consent that once the Senate has read S. 1 for a third time, and the Senate has received the House companion bill, it then be in order for the majority manager to call up the House companion bill and move to strike all after the enacting clause and insert the text of S. 1 as amended.

I further ask unanimous consent that the Senate proceed to vote on the Senate amendment, to be followed by third reading and final passage of the House companion bill, and that all of the action occur without any intervening debate.

I ask unanimous consent that the cloture vote scheduled for tomorrow be vitiated, and that no votes occur throughout Friday's session of the Senate.

I ask unanimous consent that when the Senate completes its business on Friday, it stand in recess until 9:30 a.m., Monday, January 23, 1995, and that the Senate resume consideration of S. 1 at 10 a.m., on Monday, January 23.

Finally, I ask unanimous consent that any votes ordered throughout the day on Friday and Monday be postponed to occur on Monday, January 23, beginning at 4 p.m.

That would have been the request. And then I had some explanatory material at the bottom.

I would say that the reason for 3 o'clock on Tuesday was to make certain that both policy luncheons would have an opportunity to discuss the bill and both the majority and minority side would have time to come back after the luncheons and say, ''Well, we want to offer the following amendments,'' and they could be offered by the manager or by any Senator who had an amendment.

It seemed to me that this would have accommodated our colleagues on the other side of the aisle as far as tomorrow is concerned, and all of our colleagues as far as Monday is concerned until 4 p.m.

I might further state that it seems to me—I know the Senator from West Virginia would agree that only the following amendments be in order, but they would not have to be offered at any time. In my view, that would mean if we would debate those amendments, 40 or 50 amendments, we could debate those the next 30 days. So we wanted some cutoff time. After that time, no amendments could be offered.

It is an agreement we have entered into many, many times in the past. In fact, we have entered into agreements in the past where we said all amendments must be disposed of by a certain hour.

But that is the essence of the agreement. I hope that it might be acceptable to our colleagues on the other side. But if not, then I will proceed, as I have indicated, with the vote on the pending amendment, a motion to table that, plus a motion to table each of the committee amendments. And I believe there are four remaining. So there would be four votes on the motion to table committee amendments.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from West Virginia reserves his right to object.

Mr. BYRD. Yes, I reserve the right to object.

Mr. President, I thank the distinguished majority leader for reading the request that has been presented to me.

First of all, let me say I think we are shortcutting the legislative process too much. Let me be specific in two or three instances here.

All first-degree amendments must be offered by 3 p.m. on Tuesday, January 24, and that at 2:30 p.m. on Tuesday, the minority manager be recognized to offer any amendment on the list from the minority side of the aisle, and that no later than 2:45 p.m. on Tuesday, the majority manager be recognized to offer any amendment on the list from the majority side.

Now what does that mean, ''offer any amendment on the list''? I do not have any amendment that I consider just to be a minor, inconsequential amendment. If I have an amendment, I consider it important enough that I be here to offer my own amendment. This is not the legislative process in accordance with the rules.

I do not know what that means—''must be offered.'' If I offer an amendment, I may want to take 2 or 3 hours on it. If somebody else offers an amendment, I may want to offer an amendment in the second degree to it. We have had too much of this business of accommodations. We have streamlined this process to the point that Senators are going to lose the knowledge of their responsibilities here. We do not have the responsibility to shortcut this process. We do not have the responsibility to put it on automatic pilot. We have a responsibility, as Senators, to be here, to call up our amendments and not be under the gun to have to call up 30 or 40 amendments by 3 o'clock next Tuesday or Wednesday or whatever it is.

We have fallen into that habit. Our business as Senators is to be here and be here at work. We are very early in the session. I do not think we have to operate under the gun like this.

I am very willing to have a listing of amendments. We have done that many times. I think that would be an accommodation, if one wants to call it an accommodation, to every Senator, that we have a list of amendments and know what is going to be called up.

But this idea of having the minority manager offer any amendments on the list from the minority side, and the majority manager—and I trust them both; this is not anything against the managers at all. They are both here and they are doing a good job. They are carrying out their responsibilities. If they can be here to offer amendments, why cannot Senators who are the authors of the amendments be here to offer them?

Mr. DOLE. We would be happy to change that. We put that in just to accommodate, to make it more efficient. But we would be happy to change that.

Mr. BYRD. We have too much efficiency now. The constitutional framers did not create the United States Senate to be an efficient organization. The Senate was intended to be a second House in which the Members would have longer terms and thus be more independent in their votes; where legislation passed by the House in a hurry could cool off; where it could be meticulously studied, thoughtfully amended, reasonably agreed to or rejected.

I know the impulse here is to ram things through. Thank God for the U.S. Senate. One Senator can stand as long as he is able to stand on his feet and object. I do not mind doing that.

If you insist on our being here tomorrow and our colleagues want to go to a retreat, you will not be interrupted by any rollcall. I will get you away and I will talk all day. So do not let that be a compelling gun to your temple.

Let us do our business here as we are expected to do it by the people who sent us here. Let us carry out our responsibilities to offer the amendment.

What does it mean to offer an amendment? How is my manager going to call up 20 amendments?

Mr. DOLE. We hope they would not call up all the amendments.

Mr. BYRD. Well, all the amendments may not be called up.

We made excellent progress today. The Senate has worked its will today in an orderly fashion. Amendments have been ably debated, carefully studied. That is the process we ought to continue on.

Senators ought to know the rules. Too many Senators do not know the rules. They do not know what offering an amendment means.

I may want to offer an amendment. I may want to talk on it a while. Why should I be bound by this? I should not be hemmed in and fenced out with respect to an orderly process by which I can debate my amendment at length. That is what we signed up for when we came to this Senate.

I would not have given my unanimous consent to taking up this bill if I had not been misled by promises which were made in good faith; no intention to mislead anyone. But I gave consent to take up this bill on the promise that there be a committee report the next morning. The committee report did not appear, but I had already given my consent to take it up. Had I known the committee reports were not going to be available, I would not have given my unanimous consent. So let Members take our time. We want to have a cloture vote; well, that is in accordance with the rules. Let Members go by the rules here. Let Members slow down here a little bit. Let Members know what we are doing.

Then, after all these amendments have been disposed of, the bill will be advanced to third reading and the Senate will proceed to final passage, all without any intervening action or debate.

Suppose I, in my view, once we have gotten through this amendment process, feel that there ought to be some more talk on this bill? Any Senator may be displeased with the action that is taken on amendments in the intervening time. Why should he be gagged? I say to my own leader over here, I apologize. He is doing his level best to press this legislation forward in an orderly way. He was kind enough to come to me with this agreement.

I do not understand this business of letting the majority manager or the minority manager call up all first-degree amendments, must be offered by 3 o'clock p.m. on Tuesday. What is meant by ''offered''? All first degree amendments must be offered by 3 o'clock p.m. on Tuesday. We are supposed to be out tomorrow. That only leaves Monday, and up to 3 o'clock on Tuesday. Then on Monday, by a certain time.

Mr. DOLE. By 4 o'clock on Monday. Votes will occur after 4 o'clock.

Mr. BYRD. Yes, any votes ordered throughout the day on Friday.

Mr. DOLE. Or Monday.

Mr. BYRD. Or Monday. Friday and Monday, be postponed to occur.

So we will set up votes. Sometimes in the legislative process, the necessity for offering a second-degree amendment does not arise in advance. I just think that we are getting in too much of a hurry on this important issue. The number is S. 1. Obviously, it is an important bill.

I know some Senators may be unhappy with me, but I am sorry. I think we need to slow down. If we want to enter into a list of amendments, that is fine. We have done that before. But I have seen this Senate deteriorate, one reason being this very thing, entering into agreements like this that relieve Members of our responsibilities to be here on this floor and do our own work, doing it painstakingly and carefully.

I am not going to agree to this. This is too important a bill. We have the Contract With America. Here is my ''Contract With America'' right here, the Constitution of the United States. I am not going to roll over and play dead. If my friends feel that standing up for the rights of the minority and an orderly legislative process calls for my expulsion from the Senate, then let the Senate proceed.

I say what I have said with respect to the majority leader. I told our friends over here earlier while we were on the debate, cutting down on the filibuster, that that leader over there is tough. Wait and see. He will use the rules on me. And I respect that and I admire that. And I also respect the fact that I can stand up, and I have a right to oppose those efforts to the limit of whatever rights and powers that I have.

This is just jamming and ramming legislation through. The American people out there do not want that done. We have time. It is only the 19th of January. What is all the rush? The Senate will be in session, it says, on Friday, in order for Members to offer amendments contained in a list.

List? Who is going to know? If I offer an amendment on the list, who will be here to listen to me? They may not listen here on the floor, but they may be over in their house and know what is going on. They follow the debate, and their staff hears, as well. What kind of legislation is this when the Senate allows itself to come in on Friday, and no one will be listening to Senators, just come in and offer your amendments, and all the amendments have to be offered by a certain time on Monday or Tuesday?

What does offering the amendment mean? Does it just mean leaving amendments at the desk? What parliamentary statute does offering an amendment give them, except when it is done in accordance with the rule? When I get recognized, Mr. President, I send an amendment to the desk. That is offering an amendment. But I am not going to have any Senator stand up here and offer 15, 20, 30, or 50 amendments just to offer them, no action taken on them. What happens to them when Senators just offer amendments? What happens to them if no action is taken? How do we get rid of one amendment and go to the next?

Senators who have been around here a while who know how the process works, answer that question for me. Somebody tell me. I stand up here as the manager of the bill. I am going to offer 20 amendments. What does that mean? Does that mean sending 20 amendments up there en bloc? I do not know what that means in that context. I know what it means to offer an amendment under the rules.

Now, Mr. President, I apologize to the majority leader and my colleagues for detaining them. I object to the request.

The PRESIDING OFFICER. The objection is heard.

Mr. BYRD. Mr. President, I have no objection to listing the amendments, and there may be some other agreement that could be worked out. I cannot agree to this.

The PRESIDING OFFICER. Objection is heard. The majority leader.

Mr. DOLE. Mr. President, let me say first of all, the Senator is certainly within his rights. I have no quarrel with that, and never have. Certainly, the Senator from West Virginia or any other Senator on either side has that right.

I did want to indicate we have had 15 votes on this bill. We started Thursday, January 12, at 10:30 a.m. Up until about 6 o'clock, we had had approximately 25 hours of debate; the Democrats used 15 hours, the Republicans 10. But in the 15 votes taken on this bill, 5 were unanimous, and 3 were sense-of-the-Senate. I think we have only really voted on two or three amendments to the bill.

We were getting a list today of 78 or 80, and not many were even relevant. But few were germane. And then our list was some 30 amendments. We whittled our list down to 11. There are still 40-some on the other side.

It seems to me that the Senator from West Virginia has exercised his rights and will continue to exercise his rights. And I have no quarrel with that.

We must do what we must do as the majority, to try to move the bill along. It is not going to be easy. So I have asked unanimous consent that we just agree to that, and that has been objected to. So I would propose another unanimous-consent request and see if we might be able to save some time; that it be in order for me to table the Gorton amendment and the four remaining committee amendments en bloc, and one vote count as five rollcall votes.

Mr. BYRD. I object.

The PRESIDING OFFICER. There is an objection. The majority leader.

Mr. DOLE. Mr. President, we have tried by consent to have them agreed to. We have tried by consent to have one vote count as five. And, failing that, have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to table.

AMENDMENT NO. 171 TO AMENDMENT NO. 30

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table the amendment of the Senator from Minnesota [Mr. WELLSTONE]. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—55

Abraham	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Nunn
Bingaman	Grassley	Packwood
Bond	Gregg	Pressler
Brown	Hatch	Roth
Burns	Hatfield	Santorum
Chafee	Heflin	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Faircloth	McCain	
Frist	McConnell	

NAYS—42

Akaka	Boxer	Bryan
Baucus	Bradley	Bumpers
Biden	Breaux	Byrd
Campbell	Harkin	Moseley-Braun
Conrad	Hollings	Moynihan
Daschle	Inouye	Murray
Dodd	Kennedy	Pell
Dorgan	Kerrey	Pryor
Exon	Kerry	Reid
Feingold	Kohl	Robb
Feinstein	Lautenberg	Rockefeller
Ford	Levin	Sarbanes
Glenn	Lieberman	Simon
Graham	Mikulski	Wellstone

NOT VOTING—3

Helms	Johnston	Leahy

So the motion to lay on the table the amendment (No. 171) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I would ask unanimous consent that the vote on the next four amendments be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And I move to table the Gorton amendment and ask for the yeas and nays.

Mr. BYRD. Mr. President, after the Senator gets his yeas and nays, will he withhold his motion to table a minute that I might ask him a question?

Mr. DOLE. Pardon?

Mr. BYRD. After the Senator gets his yeas and nays, will he withhold his motion?

Mr. DOLE. Oh, yes.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that there be 2 minutes notwithstanding that debate is not allowed on a tabling motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Let me ask of the distinguished majority leader.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

The PRESIDING OFFICER. The distinguished Democratic leader.

UNANIMOUS-CONSENT REQUEST

Mr. DASCHLE. Mr. President, I ask unanimous consent that the following amendments be the only amendments in order to S. 1, that they be offered as the first- or second-degree amendments if the committee amendments are available to offer them to, and they be subject to relevant second-degree amendments.

I will send the list of the amendments to the desk.

The amendments are as follows:

DEMOCRATIC AMENDMENTS TO S. 1

Bingaman:
(1) Relevant.
(2) Relevant.
(3) Relevant.
Boxer.
(1) Sensitive subpopulations.
(2) Immigration costs.
(3) Child porn/abuse/labor exclusion.
Bradley:
Relevant.
Byrd:
(1) Relevant.
(2) Relevant.
(3) Relevant.
Dorgan:
(1) Metric conversion.
(2) Federal Reserve.
(3) C.P.I.
Ford:
(1) Imposing standards on House.
(2) Imposing standards on House.
(3) Imposing standards on House.
Glenn/Kempthorne:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
Graham:
(1) Immigration.
(2) Fund allocation.
(3) Relevant.
Harkin:
(1) Relevant.
(2) Relevant.
Hollings:
(1) Relevant.
(2) Sense of Senate Balanced budget.
Johnston:
Relevant.
Kohl:
Relevant.
Lautenberg:
Relevant.
Levin:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
(5) Relevant.
(6) Relevant.
(7) Relevant.
(8) Relevant.
(9) Relevant.
(10) Relevant.
Moseley-Braun:
Relevant.
Moynihan:
Relevant.
Murray:
(1) Hanford.
(2) CBO.
(3) CBO.
Wellstone:
(1) Relevant.
(2) Relevant.
(3) Sense of Senate Children's impact.
(4) Children's impact statement.
(5) Relevant.

REPUBLICAN UNFUNDED MANDATES AMENDMENTS

McCain: Appropriations point of order.
Gramm: 60-vote point of order.
Gramm: Treatment of conference reports.
Hatfield: Local flexibility act.
Hatch: Brown-judicial review.
Hatch: FACA.
Brown: SOS/Review of S. 1.
Grassley: CBO vs. actual costs study.
Grassley: 60-vote waiver redirect costs.
D'Amato: Comptroller of the currency.
Kempthorne: Manager's technical amendment.
Roth: Chairman's technical amendment.
Dole: Relevant.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I object.

The question is on the motion to table.

VOTE ON AMENDMENT NO. 31, AS AMENDED

The PRESIDING OFFICER. The question is on the motion to lay on the table amendment No. 31. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 54, nays 43, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—54

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Packwood
Burns	Gregg	Pressler
Byrd	Hatch	Roth
Chafee	Hatfield	Santorum
Coats	Heflin	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Kyl	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner

NAYS—43

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Glenn	Murray
Boxer	Graham	Nunn
Bradley	Harkin	Pell
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Kennedy	Robb
Campbell	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Levin	
Exon	Lieberman	

NOT VOTING—3

Helms	Johnston	Leahy

So, the motion to lay on the table the amendment (No. 31), as amended, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1, the Unfunded Mandate Reform Act:

Bob Dole, Dirk Kempthorne, Bill Roth, Trent Lott, Judd Gregg, Alfonse D'Amato, Craig Thomas, Jon Kyl, John Ashcroft, Mike DeWine, Fred Thompson, Paul Coverdell, Conrad Burns, Larry E. Craig, Bill Frist, Ted Stevens, John McCain, Rod Grams, Don Nickles, Pete V. Domenici, Strom Thurmond, Phil Gramm.

COMMITTEE AMENDMENT ON PAGE 25, LINE 11, AS MODIFIED

Mr. DOLE. Mr. President, I move to table the committee amendment found on page 25, line 11, as modified by Senator GLENN, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the committee amendment on page 25, line 11, as modified by Mr. GLENN. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—55

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Packwood
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Byrd	Hatfield	Shelby
Chafee	Heflin	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Jeffords	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

NAYS—42

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Boxer	Glenn	Moynihan
Bradley	Graham	Murray
Breaux	Harkin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Campbell	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Levin	Wellstone

NOT VOTING—3

Helms	Johnston	Leahy

So, the motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 27 LINE 9

Mr. DOLE. I move to table the next committee amendment on page 27 line 9 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—55

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Packwood
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Byrd	Hatfield	Shelby
Chafee	Heflin	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Jeffords	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

NAYS—42

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Boxer	Glenn	Moynihan
Bradley	Graham	Murray
Breaux	Harkin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Campbell	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Levin	Wellstone

NOT VOTING—3

Helms	Johnston	Leahy

So the motion to lay on the table the committee amendment on page 25, line 9 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. NICKLES. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENT ON PAGE 33

Mr. DOLE. Mr. President, I move to table the committee amendment found on page 33, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the committee amendment on page 33, line 11.

The Clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—55

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Packwood
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Byrd	Hatfield	Shelby
Chafee	Heflin	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Jeffords	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

NAYS—42

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Boxer	Glenn	Moynihan
Bradley	Graham	Murray
Breaux	Harkin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Campbell	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Levin	Wellstone

NOT VOTING—3

Helms	Johnston	Leahy

So the motion to lay on the table the committee amendment on Page 33, line 11 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to table the last remaining committee amendment found on page 34, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, before the clerk starts the vote, let me indicate that I have been in discussion with the distinguished Democratic leader. We are now in the process of seeing if there can be some agreement with a slight modification suggested by the Senator from West Virginia. So I cannot say this is the last vote. If we are in tomorrow, we will come back at 9:30 in the morning and the first vote will be on cloture.

VOTE ON THE MOTION TO LAY ON THE TABLE THE COMMITTEE AMENDMENT ON PAGE 34, LINE 10

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the committee amendment on page 34, line 10. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—55

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Packwood
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Byrd	Hatfield	Shelby
Chafee	Hutchison	Simpson
Coats	Inhofe	Smith
Cochran	Jeffords	Snowe
Cohen	Kassebaum	Specter
Coverdell	Kempthorne	Stevens
Craig	Kohl	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

NAYS—42

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Boxer	Glenn	Moynihan
Bradley	Graham	Murray
Breaux	Harkin	Nunn
Bryan	Heflin	Pell
Bumpers	Hollings	Pryor
Campbell	Inouye	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Levin	Wellstone

NOT VOTING—3

Helms	Johnston	Leahy

So the motion to lay on the table the committee amendment on page 34, line 10 was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, let me indicate to my colleagues on both sides of the aisle there will be no further votes this evening. I have now submitted a modified agreement to the distinguished Democratic leader.

If agreement is reached, then there will be no votes tomorrow but there will be a period for morning business tomorrow. There will be no amendments offered but there will be a period for debate, as long as you wish.

If we do not reach an agreement, then I will move the Senate stand in recess until 9:30, and a cloture vote would occur at about 10:45—between 10:30 and 10:45, and there would by additional votes tomorrow, probably four or five.

So if we get the agreement, no votes, morning business only. If we do not get the agreement we will be in recess, cloture vote about 10:30, 10:45, with additional votes throughout the day.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for 3 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE NEW GENERATION OF THE SPECTER FAMILY

Mr. SPECTER. Mr. President, I had intended to wait until the conclusion of all of the Senate's business before speaking very briefly on the new generation of the SPECTER family, celebrating her first birthday today. But as the hour is 11:25 p.m., I fear that if I do not take advantage of this break in the action, it is unlikely that I will have a chance to speak before January 20, which will be after her first birthday.

So I just consulted with our distinguished majority leader, who thought that I might take a moment or two now.

As I say, 1 year ago today was the first arrival of the new generation of our family, Silvi Morton Specter. And it is an occasion, on her first birthday, to comment about children, a child, the future of our country, the future of her generation and the generations beyond.

I think that we are making some progress in the United States Senate on protecting her generation and the generations that follow with the progress which we are making on the balanced budget amendment. I certainly would not think of charging any of my expenses to her credit card, and I think as a nation, as we move to the balanced budget amendment, we really are looking after her generation and the future generation.

Similarly, I think we have a great deal to do on national security. As I have taken on a role on the Senate Intelligence Committee on the issue of nuclear nonproliferation, I think recently of her and her generation, just as I do on the issue of personal security, on the crime on the street, thinking about the fundamental duty of Government to protect its citizens.

Silvi Morton Specter, my son's daughter, has a unique opportunity. She has extraordinary parents, Tracey Pearl Specter, a devoted and loving mother. I characterize them when I see them playing together as her mother being her daughter's favorite playmate, and her father, Shanin, is extraordinarily attentive, as are her maternal grandparents, Carol and Alvin Pearl, and her grandmother, my wife, Joan, and I are.

As I reflect on the child, I just wish that all of America's children and all of the world's children had her great advantages.

So I thank my colleagues for indulging me for a few moments. I think we still have ample time before midnight to perhaps take up another subject or two.

I thank the Chair. I thank my colleagues, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

UNANIMOUS CONSENT AGREEMENT

Mr. DOLE. Mr. President, let me say for the benefit of all Senators, we are going to go through this unanimous consent agreement. I think there will be a couple of questions asked. In fact, I wish to make a statement after the questions have been asked and each side is satisfied with the response, because it has to be in good faith. Otherwise, it is not going to work; there is not going to be another agreement. You would not give us one, and we would not give you one. If it is not in good faith, this may be the last agreement of its kind.

I ask unanimous consent that the following amendments be the only first-degree amendments in order to S. 1, and that they be subject to relevant second-degree amendments.

I will not read that list, but there are 47 Democratic amendments, and 15 Republican amendments, a total of 62 amendments.

I further ask unanimous consent that all first-degree amendments must be offered by 3 p.m. on Tuesday, January 24.

I further ask unanimous consent that following the disposition of the above-listed amendments, the bill be advanced to third reading.

I ask unanimous consent that the cloture vote scheduled for tomorrow and Saturday be vitiated, and that no votes occur throughout Friday's session of the Senate.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, January 20, and that there be a period for the transaction of routine morning business with Senators permitted to speak therein.

I ask unanimous consent that when the Senate completes its business on Friday, it stand in recess until 9:30 a.m. on Monday, January 23, 1995, and that the Senate resume consideration of S. 1 at 10 a.m. on Monday, January 23.

I ask unanimous consent that if a Senator with an amendment on the list sends the amendment to the desk to be printed on Friday, that be considered as having satisfied the 3 p.m. requirement for having amendments offered.

Finally, I ask unanimous consent that no votes occur on Monday, January 23, prior to 4 p.m.

That is the request. But before I put the request, I think there are some questions some might want to address.

Mr. DASCHLE. Mr. President, let me thank the distinguished majority leader for the good faith in which we have attempted over the last several hours to work through this agreement.

There are a couple of questions on our side I would like to reference as they related to the agreement. The first has to do with the reference to all amendments being ''offered.'' Could the majority leader define for us what you mean by the word ''offer?'' What will be required of a Senator to meet the obligations under this unanimous-consent requirement?

Mr. DOLE. Well, I assume if there is a pending amendment, they would have to get consent to set it aside and send their amendment to the desk, and that would be offered.

Mr. DASCHLE. So it is the intent of the unanimous-consent agreement to allow any Senator who has an amendment to take it to the desk and be protected for consideration of that amendment during this debate?

Mr. DOLE. That is correct. We have made an exception for tomorrow morning. If somebody wanted to send an amendment and have it printed in the RECORD, that would satisfy the requirements of that section. But it is sending the amendment to the desk and first getting consent. That is why I think, as we have been in the past—it depends on the good faith of side. Somebody can say ''I object to setting the amendment aside,'' and he puts in a quorum call and waits until 3 o'clock and there is one amendment pending. I think that is one thing we cannot let happen.

Second, I would hope that all these amendments are not offered. There are 60-some amendments. Any Senator could take as much time as he wanted after the amendment is offered. He can spend half a day on an amendment. We can be here 30 days.

So this does not preclude—if it is in the judgment of the majority leader and since we are not acting in good faith—filing cloture. Nor does it preclude cloture if we agree to the request by the Senator from West Virginia that we go to third reading and have a period of debate, and if that period of debate goes on and on and on, then I assume no one objects to someone filing a cloture motion.

I do not assume all these amendments will be offered. I think many may be worked out. Many may be there for some reason but will not be offered. But I am prepared to proceed in good faith. I am certain the Democratic leader is, also.

Mr. DASCHLE. Mr. President, that is certainly my intention. I think I speak for all colleagues on this side of the aisle. We want to work through the amendments. There are a number on our side, and we are prepared to offer them.

The distinguished majority leader anticipated a second question, and for clarification let me again emphasize that it is my understanding that the motion to go to third reading is debatable under this unanimous-consent agreement.

Mr. DOLE. As I understand, we would go to third reading, and there would be a period for debate.

Mr. DASCHLE. That is my understanding, after the motion.

Mr. DOLE. After we have gone to third reading. Any further amendments would not be offered, but we would still have a period of debate. There is no limitation. We do not say 1, 2, 3, 4 hours. There may not be any. As I understand it, the Senator from West Virginia wants to protect his interests, in the event some amendment may have been adopted, or not offered, or not disposed of properly, to at least raise that

point. Maybe other Senators on either side have the same position.

Mr. DASCHLE. This unanimous-consent agreement is the product of a great deal of effort on both sides of the aisle by a number of participants. I thank all of those Senators involved on our side, especially the Senator from West Virginia for his guidance and his indulgence in trying to accommodate all Senators as we come to this agreement. I do hope that we can move through the amendments in good faith, that we can offer them tomorrow, Monday, and Tuesday. Certainly, if this agreement is accepted, Senators are protected. That was our desire all along.

So I have no objection to this agreement.

Mr. FORD. Mr. President, may I enter into this colloquy and ask one question? When you say the amendments are to be offered by a certain time, are those amendments that have already been filed considered ones that you just—you could repropose them now?

Mr. DOLE. Those were filed because of the cloture rule.

Mr. FORD. Under this unanimous-consent agreement, if you have, as I do—and we have worked them out, I think, with the majority floor leader, my amendments, which then the rest of them would go away. But I have to refile those on the basis of setting aside the pending amendment, and we go to my amendment, or put them at the desk tomorrow; is that the way?

Mr. DOLE. Correct.

Mr. FORD. All I have to do is Xerox it and put it in tomorrow afternoon or tomorrow sometime?

Mr. DOLE. I think all anybody has to do—parliamentary inquiry. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

Mr. DOLE. So there would not be any amendment pending. After the first one is offered, you would have to set that aside and simply send the amendment to the desk. I do not know how we decide which amendments we take up first. I think that is another question, whether the first amendment offered should be taken up first. I assume that would be the normal way to do it. Whoever offers their amendment first—many Democrats will not be here tomorrow. We will be here. That would advantage us. There has to be a way to work that out.

Mr. FORD. May I continue just a moment? I do not want to belabor it, but I want to be sure that my colleagues understand that if they want to propose an amendment, they have to be here to do that, under this unanimous-consent agreement. And any amendment that has been filed at the desk that was filed based on cloture, those amendments are, for all practical purposes, under this unanimous-consent agreement, null and void?

Mr. DOLE. That is correct.

Mr. FORD. I thank the majority leader and the Democratic leader.

Mr. LEVIN. Will the majority leader yield for a question on that one statement of my friend from Kentucky about having to be here to offer the amendment. I understand that tomorrow, for those of us who might not be able to be here, that somebody could offer the amendment on our behalf, get it to the desk, and that would then constitute the filing of that amendment in time?

Mr. DOLE. It says here if a Senator with an amendment sends it to the desk to be printed. It would take consent to send an amendment to the desk on behalf of someone else. That gets back to the very thing that the Senator from West Virginia objected to—somebody else, in effect, proxy management, or whatever, sending amendments to the desk. In fact, if you want to offer amendments tonight, send them to the desk, I do not see any reason that could not be done, as long as we are on the bill.

Mr. LEVIN. I thank the majority leader.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD. Mr. President, I do not believe the leader has made the request yet.

Mr. DOLE. I said I would withhold until the questions have been presented. I do now make the request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD. Mr. President, I reserve the right to object and I do not intend to object. I think this is a good agreement.

Mr. BYRD. As I understand it from the distinguished majority leader's responses to the minority leader's questions, and to those of Mr. FORD, and others, the second paragraph which uses the word ''offer,'' offered by 3 o'clock p.m. on Tuesday, that means that any Senator who has a bona fide amendment he intends to call up must offer that amendment by 3 o'clock p.m. on Tuesday. If he stands up and offers the amendment and Senators indicate a desire to debate that amendment and take action on it, that is OK, we can do that Monday. We can do that up until 3 o'clock. We can get action on some amendments or we can agree to stack the rollcall votes, as I understand it.

Mr. DOLE. Until 4 o'clock on Monday.

Mr. BYRD. Where is that?

Mr. DOLE. On page 2, second paragraph.

Mr. BYRD. Yes.

Now when we reach the hour of 3 o'clock p.m. on Tuesday, if Senators have not had an opportunity to offer their amendments by that time but in the meantime they have filed the amendments at the desk, they may offer them, have them temporarily set aside, and then they qualify under this agreement as having offered the amendment.

The Senator who has the amendment offers it. If for some reason, by the time we reach 3 o'clock p.m. on Tuesday, that Senator has not had an opportunity to offer his amendment, he can offer it and, if there are other amendments pending at that point, he can offer it but no action will be taken on it. It will be temporarily set aside. But it has to be on the list— I am just trying to get an understanding—it has to be on the list of amendments that have been read and submitted.

I do not contemplate any great problem with this. Most of these things have a way of working themselves out. And Senators act in good faith. I take that as a given. I hope all Senators take that as a given with me, that I am acting in good faith. That is the only way I know to proceed here, is to be fair with each other.

Mr. DOLE. I would say, if I might respond to the Senator, if there was some unforeseen reason a Senator on either side was unable to send the amendment to the desk by 3 o'clock, I think we can probably work that out. But, it seems to me we have all had notice and if somebody got up at 3 o'clock and started sending five or six amendments to the desk, there could be an objection to setting aside any amendment.

Mr. BYRD. I want to say this, Mr. Leader. The leader and I have worked together many years in various capacities. No leader has ever offered as many cloture motions as I have and seen them all fail to be adopted.

It is conceivable that a Senator might have a death in his family.

Mr. DOLE. Yes.

Mr. BYRD. I think we, being reasonable people, would understand even at that point that another Senator could get unanimous consent that another Senator could offer the amendment on his behalf.

Looking at this, if I understand correctly, I think it is a good agreement. I want to compliment both leaders and all others who have participated in working out this agreement. This preserves, this fulfills, this meets the majority's desire to know who really has amendments, who intends to call up those amendments and what those amendments are. It assures all parties on both sides that all first-degree amendments must have been offered, not by the managers but by Senators themselves.

If I want to come over here and offer my amendment, I have no reason to complain when the hour of 3 o'clock on Tuesday evening next arrives.

If I am saying anything that the majority leader thinks is not accurate, I hope he will say so.

That each Senator offers his or her own amendment, all amendments will have been offered by 3 o'clock p.m. on Tuesday, and those amendments, of course, may be disposed of and they are expected to be disposed of as we go along. We made progress today and we

hope to make further progress a day later.

And then, once those amendments have been disposed of, we are not saying that the disposition has to occur by 3 o'clock p.m. on Tuesday. We are saying they have to be offered. The disposition may be 3 o'clock Tuesday or it may be 3 o'clock next Tuesday. Once the amendments have been disposed of, we advance to third reading and then no further amendments can be offered.

That is the case now. Once we are on third reading, except by unanimous consent, no further amendments are in order.

And then we are not closed out of debate at that point. And, of course, the leader, as he always has a right to do, has a right to offer a cloture motion. That is his right.

So, I hope that, as a reasonable man, if we reach that point and it is clear that somebody wanted to debate in a reasonable time, the leader would be willing to let that go forward. If it is obvious that someone just wants to tarry and delay, nobody can quarrel with the fact that the leader has that right to offer a cloture motion.

I would ask this question. Is there any time limit? You say that Senators will be permitted to speak tomorrow during a period for routine morning business. They may speak for how many minutes? Is there a time limit?

Mr. DOLE. I say to the Senator, we did not put a time limit because some might like to speak on their amendment. Even though they cannot offer amendments, they might like to suggest, ''I intend to offer this amendment,'' and they could get rid of some of the debate tomorrow, at least on this side. You would have a chance to rebut that, or whatever.

But we did not put any time limit. We had hoped they would be constrained if they wanted to talk about their amendment, discuss it for a reasonable time, and then move on.

I want to say one other thing about the 3 o'clock deadline. Obviously, if there is some unusual circumstance, somebody's plane was delayed, we have a bad storm or something, I think the two leaders would agree, after consultation with each other, whoever it was on either side would be permitted to offer his or her amendment or amendments.

Mr. BYRD. So it is not the intention of the majority leader to put a limitation on the time for speeches on tomorrow?

Mr. DOLE. We could put a limitation of 15 minutes.

Mr. BYRD. If they want additional time, they could ask for unanimous consent.

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, again, I think this is a good agreement. I think it is a reasonable agreement. It seems to me it protects all Senators' rights. It is a reasonable approach.

I again compliment both leaders and all Senators. Many Senators have participated in developing this agreement. I not only compliment them, I thank them for their further indulgence.

I reserve the right to object, but I have already indicated so.

I want to say this: I hope we close this session in a good spirit. I was sitting here a while ago while a rollcall vote was going on and I thought of Paul's epistle to the Colossians and I wrote it down. ''Let your speech be always with grace, seasoned with salt, that ye know how ye ought to answer every man.''

Sometimes I have to stop and write that down and read it and try to apply it to myself. I find that often fails.

I hope we will all feel good about having reached an agreement, and go home tonight. I think the leaders have done a good job. I think we have accomplished something. I am happy. I think it preserves everybody's rights. It is a reasonable agreement. It does not prostitute the legislative process.

That is what I have been complaining about. I thank the distinguished leader.

Mr. GLENN. Would the distinguished majority leader yield for a question?

Mr. DOLE. Let me say that we will have people speak for not to exceed 15 minutes to amend requests.

Mr. GLENN. I have been asked during the business tomorrow, it says morning business, and speakers can speak on whatever they wish including their possible amendments for next week or whatever; but there will not be any business conducted on S. 1 directly tomorrow, is that correct? So there can be no misunderstanding.

Mr. DOLE. That is correct.

The PRESIDING OFFICER. Does the distinguished majority leader renew his unanimous consent request?

Mr. DOLE. Mr. President, let me thank my colleagues on both sides of the aisle and let me thank the Senator from Massachusetts for his persistence. I did not mean to offend him earlier. I think we have an agreement that satisfies most everyone on each side of the aisle.

Mr. President, I renew my request. I ask unanimous consent the list of amendments be printed in the RECORD.

The list of amendments follows:

DEMOCRATIC AMENDMENTS TO S. 1

Bingaman:
(1) Relevant.
(2) Relevant.
(3) Relevant.
Boxer:
(1) Sensitive subpopulations.
(2) Immigration costs.
(3) Child porn/abuse/labor exclusion.
Bradley:
(1) Relevant.
Byrd:
(1) Relevant.
(2) Relevant.
(3) Relevant.
Dorgan:
(1) Metric conversion.
(2) Federal Reserve.
(3) C.P.I.
Ford:
(1) Imposing standards on House.
(2) Imposing standards on House.
(3) Imposing standards on House.
Glenn:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
(5) Relevant.
Graham:
(1) Immigration.
(2) Fund allocation.
(3) Relevant.
Harkin:
(1) Relevant.
(2) Relevant.
Hollings:
(1) Relevant.
(2) Sense of Senate Balanced budget.
Johnston:
Relevant.
Kohl:
Relevant.
Lautenberg:
Relevant.
Levin:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
(5) Relevant.
(6) Relevant.
(7) Relevant.
(8) Relevant.
Moseley-Braun:
Relevant.
Moynihan:
Relevant.
Murray:
(1) Hanford.
(2) CBO.
(3) CBO.
Wellstone:
(1) Relevant.
(2) Relevant.
(3) Relevant.

REPUBLICAN UNFUNDED MANDATES AMENDMENTS

McCain: Appropriations point of order.
Gramm: 60-vote point of order.
Gramm: Treatment of concurrence reports.
Hatfield: Local Flex. act.
Hatch/Brown: Judicial review.
Hatch: FACA.
Brown: SOS/Review of S. 1.
Grassley: CBO vs. Actual costs study.
Grassley: 60-vote waiver re: direct costs.
D'Amato: Comptroller of the Currency.
Kempthorne: Manager's technical amendment.
Roth: Chairman's technical amendment.
Dole: Relevant.
Kempthorne: Relevant.

Mr. LEVIN. Mr. President, I would send six amendments to the desk and ask that they be printed, and this be considered compliance with the Friday paragraph of the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Chair.

Mr. DOLE. Any further business to come before the Senate?

Mr. DORGAN. Mr. President, if the majority leader would yield, I would simply send three amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

HYMAN BOOKBINDER HONORED

Mr. WELLSTONE. Mr. President, I rise today to pay tribute to my friend, Hyman Bookbinder. On October 2, 1994, Bookie was honored by the National Jewish Democratic Council as the recipient of the First Annual Hubert H. Humphrey Humanitarian Award.

It was very fitting that this honor was bestowed on Bookie. Over the years, Hyman Bookbinder has been indefatigable in his efforts to spread the message on labor, civil rights, and economic justice with a commitment to American ideals.

Admired, loved by family, friends, and colleagues, Bookie has served our country and the Jewish community with honor and distinction. His commitment to his faith and humanity is truly an inspiration. His distinguished career and many contributions was a cause for celebration by NJDC.

All of us owe him a debt of gratitude for his many years of dedicated and exemplary service to others. The celebration of Hyman Bookbinder as the first recipient of the Hubert H. Humphrey Humanitarian Award was a significant milestone in the life of this extraordinary man.

I am pleased to submit to my colleagues, Bookie's remarks upon receiving the Hubert H. Humphrey Award.

NJDC HUBERT HUMPHREY HUMANITARIAN AWARD

(Response by Hyman Bookbinder)

This is the nicest ''This Is Your Life'' episode I've ever seen! As I look at the names of the Honorary chairs, the list of speakers, the names on the Tribute Committee—and, above all, as I look around this room, I know how lucky I have been all my life to have had such friends and associates. Some of us go back more than sixty years. To have been part of your lives, and you part of mine, to have at times shared with you great pain over society's delinquencies, but at other times to celebrate together over some victories—labor's right to organize, breakthroughs in civil rights, commitment to end poverty, our nation's embrace of Holocaust remembrance and security for Israel—to have been associated with you in pursuit of these and other causes, I express my profound appreciation.

Oh, how I would like to go around the room and identify and thank each of you and say what you individually have meant to me. But limited time, and fear of leaving out some, compels me merely to note how gratified I am to see associates from the earliest days of my trade union work, the Amalgamated and the CIO and the AFL–CIO, from six decades of civil rights alliances and battles, from the halls of Congress since 1950—including its current senior member and chair of a non-existent Jewish caucus—from the war on poverty, including its founding general (although his name is Sargent), from three decades with the American Jewish Committee, including its outgoing President getting ready now to become Ambassador to Romania—and from every campaign since Harry Truman. . . .

I've had a special spot in my heart for our Honorary Chairman for fifteen years now. When another black leader declared that black anger at Jews at the time was just a declaration of independence, Vernon Jordan publicly rebuked him, saying that what was needed was a declaration of inter-dependence.

And there is one name above all, of course, that I wish I could point to. Oh, how I wish he were still with us. Oh, what a different country this might have been if in 1968 a few hundred thousand more Americans had voted for him. I cannot begin to tell you what an honor you have bestowed on me by linking my name with that of Hubert Humphrey. And what an honor to have his son and his sister with us tonight.

Others have already commented on the meaning and the goals of NJDC. Let me add a few words. I'm proud to get its award because its very name—National Jewish Democratic—combines three great commitments and loyalties of my life. National means to me, despite its failures and defaults, a nation we can and do love for its underlying compassion and respect for individual freedom. *Jewish* in our NJDC stands for a Judaism we love because it seeks to live by Hillel's admonition to be not only for ourselves. Democratic, because it is the party that best lives up to our American and our Jewish ideals. Small wonder that such large majorities of Jewish voters have consistently supported Democratic candidates.

I am proud of all three of these identifications and loyalties—and am reminded of that story about Henry Kissinger and Golda Meir. After a long argument with Henry, Golda looked sternly at him and said, ''I'm really quite upset with you—you, a Jew!'' At which point, Kissinger started to pontificate. ''Madam Prime Minister,'' he said, ''I want you to know that first I am a human being, a citizen of the world. Then I am an American. And then I am a Jew.'' ''That may be OK for you in America,'' Golda responded, ''but here we read from right to left.''

I hope that nothing I have said smacks of chauvinism. I am a proud American. But I have known many great people who are not American. I am a proud Jew, but—if you will pardon the expression—some of my best friends are not Jewish. I am a proud Democrat, but have had high regard for some—not many, but some—Republicans.

Three years ago, I tried to capture some of the exciting, poignant moments in my life in a book with the sub-title ''Memoirs of a Public Affairs Junkie.'' Permit me to cite briefly two of those precious memoirs that sort of sum up the public passions of my life—one fifty years ago, the second fifteen years ago.

In the late Forties, I was active in the campaign to raise the Federal minimum wage to 75 cents an hour—yes, 75 cents. I helped locate a garment worker in Tennessee who would testify on what 75 cents an hour might mean for her. All we did was urge her to talk frankly to the members of the Senate Labor committee. I sat next to her, not to prompt her, but to put her at ease. Ora Green was her name, and from the official transcript, here are some of her words:

''My youngest girl, she's nine now, goes straight to the piano when we go to a house where they have one. She wants to play so bad. I've thought that maybe I could save fifty cents or a dollar a week to buy a second hand piano for her, no matter how old or battered. But try as hard as I can, and save and squeeze, I haven't found a way to do it. By this time, the Senators had stopped shuffling their papers before them. They had leaned forward and were looking directly at this woman from Tennessee. She went on:

''Maybe I've been foolish to talk to you about music for one of my children when the main problem is getting enough to eat or wear, or blankets to put on the bed, or even a chair to sit on. But down in Tennessee we love music, and factory workers don't live by bread alone any more than anyone else does.''

I cherish that moment because it tells us so much. It tells us that in every human being there is indeed a spark of the divine, that with all its imperfections, our American democracy makes possible such magical moments to occur, and it reminds us how great it is to have a labor movement that cares about the Ora Greens of the world.

Oh, yes. One of the freshman Senators at that hearing was Hubert Humphrey.

My second story. . . The year was 1979. I was one of fifteen Americans appointed by Jimmy Carter to the President's Commission on the Holocaust. Miles Lerman, the present Chairman of the Holocaust Council and the Museum, was another. And so was Ben Meed, the chief co-ordinator of the world's survivors. Both are here tonight. And then there was Bayard Rustin, the late, great black trade unionist and civil rights leader. To help us develop recommendations for a suitable American memorial, we visited a number of concentration camps and existing memorials in Europe and Israel. On this particular day, after a painful tour through Auschwitz and Birkenau, we stopped for a short outdoor service at a row of memorial tablets. In front of the one inscribed in Hebrew, Elie Wiesel spoke as only he can speak. We joined in reciting the Kaddish. As we were about to leave, Bayard whispered to me, ''Should I?'' I knew exactly what he meant; I said ''Sure'' and asked the group to remain. Accompanied only by the soft winds of the vast open expanse, Bayard started to sing one of his favorite Negro spirituals:

''Freedom, oh Freedom, oh Freedom over me,'' he sang.
''And before I'd be a slave,
I'd be buried in my grave,
And go home to my Lord and be free.''

When he finished, there wasn't a dry eye. Tears were being shed, tears not only in reverent memory of six million Jews, but also for untold millions of American slaves who had been deprived of lives of dignity and freedom. Tears, we were reminded, have no color.

On the last page of my book, I quoted some words I had spoken on an earlier occasion. I'd like to conclude tonight with those words.

''If it should be true that in my lifetime I have helped even one Jew or one Haitian or one Pole escape persecution; if I have helped even one ghetto youngster escape poverty; if I have helped one daughter of a Tennessee shirtmaker get to play on her own piano . . . If these things are indeed true, then all that is left to say is that I thank God that I was given some opportunities to help make life a little easier, a little sweeter, a little more secure, for some fellow human beings.''

And I thank every one of you for being here tonight to share this proud moment.

Thank you very much.

TRIBUTE TO SGT. MANUEL BOJORQUEZ-PICO

Mr. SHELBY. Mr. President, I rise today to honor and congratulate U.S. Sgt. Manuel Bojorquez-Pico of Alabama's Redstone Arsenal, on the day of his swearing-in ceremony as a U.S. citizen. A dedicated patriot and loyal protector of this country and its people, Sergeant Bojorquez is not only an inspiration and role model but a symbol of American democracy and freedom.

Born in Mexico, Sergeant Bojorquez obtained permanent residency status while living in the United States as a child. For a short period of time he moved back to Mexico due to a family illness, but returned to the United

States as an adult and applied to reactivate his permanent residency. It was granted and he enlisted in the Army. A few years later, the Board of Immigration Appeals reversed its decision and ordered Sergeant Bojorquez deported.

For several years he filed motions and appeals, and in a final attempt to become a citizen of this country, Manuel contacted the President on July 12, 1994, and requested that he designate the Persian Gulf war a period of military hostility which would allow active duty aliens, such as himself, to apply for naturalization.

Despite the concern, support, and assistance of Representative CRAMER and myself, 2 weeks before Thanksgiving the District Director of the Immigration and Naturalization Service informed Manuel he would be deported on February 1, 1995. With little hope left, Manuel contacted the President again and finally his prayers were answered.

Impressed by Manuel's commitment to serving his adopted country, the President passed an Executive order which not only allows Manuel to become a citizen, but also includes other active duty aliens who fought in the Persian Gulf war. This young, vibrant family man proved to us all that the American dream still lives.

Manuel's selfless dedication to defending our country, which he could not call his own until today, is a superior example to all American citizens. I applaud him for his tireless efforts and I thank him for the reminder of how lucky we are to live in this great Nation.

REPORT OF THE AGREEMENT BETWEEN THE UNITED STATES AND ESTONIA RELATIVE TO FISHERIES—MESSAGE FROM THE PRESIDENT—PM–1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith the Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Tallinn on March 11 and May 12, 1994, extends the 1992 Agreement to June 30, 1996.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 19, 1995.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 243. A bill to provide greater access to civil justice by reducing costs and delay, and for other purposes; to the Committee on the Judiciary.

By Mr. NUNN (for himself, Mr. ROTH, Mr. GLENN, Mr. BOND, Mr. BUMPERS, Mr. PRESSLER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mr. JOHNSTON, Mr. DOMENICI, Mr. HOLLINGS, Mr. NICKLES, Mr. BREAUX, Mr. WARNER, Mr. ROBB, Mr. COCHRAN, Mr. BRYAN, Mr. SMITH, Mr. LAUTENBERG, Mr. MACK, Ms. MOSELEY-BRAUN, and Mr. SHELBY):

S. 244. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Governmental Affairs.

By Mr. COHEN (for himself, Mr. DOLE, Mr. SIMPSON, Mr. STEVENS, Mr. D'AMATO, Mr. GRAHAM, Mr. COATS, Mr. GREGG, Mr. WARNER, Mr. NICKLES, Mr. PRYOR, Mr. BOND, Mr. CHAFEE, Mr. FORD, and Mr. DOMENICI):

S. 245. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 246. A bill to establish demonstration projects to expand innovations in State administration of the aid to families with dependent children under title IV of the Social Security Act, and for other pruposes; to the Committee on Finance.

By Mr. GREGG (for himself and Mr. COCHRAN):

S. 247. A bill to improve senior citizen housing safety; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG (for himself, Mrs. HUTCHISON, Mr. LOTT, Mr. GRAMM, Mr. NICKLES, and Mr. WARNER):

S. 248. A bill to delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. D'AMATO, and Mrs. FEINSTEIN):

S. 249. A bill to amend title IV of the Social Security Act to require States to establish a 2-digit fingerprint matching indentification system in order to prevent multiple enrollments by an individual for benefits under such Act, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL:

S. 250. A bill to amend chapter 41 of title 28, United States Code, to provide for an analysis of certain bills and resolutions pending before the Congress by the Director of the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 251. A bill to make provisions of title IV of the Trade Act of 1974 applicable to Cambodia; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. ASHCROFT, Mr. ABRAHAM, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. FRIST, Mrs. HUTCHISON, Mr. INHOFE, Mr. MACK, Mr. PACKWOOD, Mr. SMITH, and Mr. THOMAS):

S.J. Res. 21. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

By Mr. GRAMS (for himself, Mr. LOTT, Mr. INHOFE, Mr. THOMAS, and Mr. MACK):

S.J. Res. 22. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN:

S. Con. Res. 2. A concurrent resolution expressing the sense of the Congress that the People's Republic of China should purchase a majority of its imported wheat from the United States in order to reduce the trade imbalance between the People's Republic of China and the United States; to the Committee on Finance.

By Mr. SIMON (for himself and Mr. BROWN)

S. Con. Res. 3. A concurrent resolution relative to Taiwan and the United Nations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 243. A bill to provide greater access to civil justice by reducing costs and delay, and for other purposes; to the Committee on the Judiciary.

THE CIVIL JUSTICE REFORM ACT OF 1995

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to reform America's Federal Civil Justice System. The purpose of this bill, the Civil Justice Reform Act of 1995, is to improve deserving parties' access to the Federal courts by reducing the volume of frivolous cases, to reduce the costs of Federal civil litigation, and to encourage the settlement of disputes. It is similar to the bill introduced by Senator DECONCINI and myself in March 1993.

This bill introduces some modest reforms that will reduce the economic and social costs our society has borne due to the litigation explosion. Our society spends billions of dollars every year on civil lawsuits. More than $1 billion goes just to pay for the Federal district courts, which handle hundreds of thousands of civil cases annually. It has become clear to most Americans that our system of dispute resolution through adversarial lawsuits has gotten out of hand, and reason needs to be restored to it. More litigation does not necessarily translate into more justice.

Many of the elements of this bill are based on the 1992 Access to Justice Act. For example, my bill reintroduces a modified English rule on attorney's fees that will award prevailing parties in Federal diversity cases reasonable attorney's fees, with adequate safeguards to protect against possible injustice. This provision is hardly the radical proposition some will paint it as being. In fact, for those of my colleagues who are always fond of pointing out that the United States is the only industrialized country that fails to provide some benefit or another, I would point out that this so-called English rule is followed by most industrialized countries, with the United States being the most notable exception. So I think it is worth trying in the United States in a limited class of cases—diversity suits—in order to see if it is effective in discouraging frivolous lawsuits.

By limiting the rule to diversity cases, the bill ensures that no one will be denied a forum for their dispute, since all such cases can be filed in State court. If the defendant removes the case to Federal court, then the loser pays rule will not apply. This limited English rule will expire in 5 years unless Congress chooses to continue it, after a fourth-year report by the administrative office of the courts on the effectiveness of the rule.

The bill also includes a number of safeguards to avoid any unintended consequences. The amount the loser must pay is limited to the amount of his or her own fees. Moreover, the court is given broad discretion to limit the amount the loser must pay if it finds such payment to be unjust under the circumstances of the case before it.

The bill also requires 30 days advance notice of intent to sue—something most responsible lawyers already do. It also requires prisoners with civil rights cases—which currently constitute of around 10 percent of the Federal civil docket—to first exhaust their administrative remedies before filing suit in Federal court.

To promote early settlement of cases and reduce litigation costs, the bill contains a statutory offer of judgment rule. It is similar to a proposal by Judge William Schwartzer, former director of the Federal Judicial Center. This rule will allow either party to a lawsuit to offer a settlement to the other party at any point in the litigation. If the settlement is declining and the party rejecting the offer ultimately gets a judgment less favorable than the settlement offer, he or she is then responsible for the offeror's attorneys fees from the time the offer was made. This will give parties a strong incentive to offer and accept reasonable settlements.

Another provision of my bill will begin to curtail some of the excesses of the expert witness battles that dominate too many Federal trials. Following the example of several States, particularly Arizona, my bill will limit parties to one expert witness on a given issue.

The Civil Justice Reform Act of 1990 has had a positive effect on the Federal courts in reforming pretrial, processes to reduce costs and delay. This bill takes the next step by making some limited fee shifting proposals and a few other modest reforms for reducing litigation costs. I look forward to the hearings I intend to hold in the Subcommittee on Administrative Oversight and Courts, and to discussing these proposals with my colleagues on the Judiciary Committee, as well as the full Senate.

I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil Justice Reform Act of 1995''.

SEC. 2. DIVERSITY OF CITIZENSHIP JURISDICTION; AWARD OF ATTORNEYS' FEES TO PREVAILING PARTY.

(a) AWARD OF FEES.—Section 1332 of title 28, United States Code, is amended by inserting after subsection (e) the following new subsection:

''(f)(1) The prevailing party in an action under this section shall be entitled to attorneys' fees only to the extent that such party prevails on any position or claim advanced during the action. Attorneys' fees under this paragraph shall be paid by the nonprevailing party but shall not exceed the amount of the attorneys' fees of the nonprevailing party with regard to such position or claim. If the nonprevailing party receives services under a contingent fee agreement, the amount of attorneys' fees under this paragraph shall not exceed the reasonable value of those services.

''(2) In order to receive attorneys' fees under paragraph (1), counsel of record in any actions under this section shall maintain accurate, complete records of hours worked on the matter regardless of the fee arrangement with his or her client.

''(3) The court may, in its discretion, limit the fees recovered under paragraph (1) to the extent that the court finds special circumstances that make payment of such fees unjust.

''(4) This subsection shall not apply to any action removed from a State court under section 1441 of this title, or to any action in which the United States, any State, or any agency, officer, or employee of the United States or any State is a party.

''(5) As used in this subsection, the term 'prevailing party' means a party to an action who obtains a favorable final judgment (other than by settlement), exclusive of interest, on all or a portion of the claims asserted in the action.''.

(b) STUDY AND REPORT.—(1) The Director of the Administrative Office of the United States Courts shall conduct a study regarding the effect of the requirements of subsection (f) of section 1332 of title 28, United States Code, as added by subsection (a) of this section, on the caseload of actions brought under such section, which study shall include—

(A) data on the number of actions, within each judicial district, in which the nonprevailing party was required to pay the attorneys' fees of the prevailing party; and

(B) an assessment of the deterrent effect of the requirements on frivolous or meritless actions.

(2) No later than 4 years after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit a report to the appropriate committees of Congress containing—

(A) the results of the study described in paragraph (1); and

(B) recommendations regarding whether the requirements should be continued or applied with respect to additional actions.

(c) REPEAL.—No later than 5 years after the date of enactment of this Act, this section and the amendment made by this section shall be repealed.

SEC. 3. OFFER OF JUDGMENT.

(a) IN GENERAL.—Part V of title 28, United States Code, is amended by inserting after chapter 113 the following new chapter:

''CHAPTER 114—PRETRIAL PROVISIONS

''§ 1721. Offer of judgment

''(a)(1) In any civil action filed in a district court, any party may serve upon any adverse party a written offer to allow judgment to be entered for the money or property specified in the offer.

''(2) If within 14 days after service of the offer, the adverse party serves written notice that the offer is accepted, either party may file the offer and notice of acceptance and the clerk shall enter judgment.

''(3) An offer not accepted within such 14-day period shall be deemed withdrawn and evidence thereof is not admissible, except in a proceeding to determine reasonable attorney fees.

''(4) If the final judgment obtained by the offeree is not more favorable than the offer made under paragraph (1) which was not accepted by the offeree, the offeree shall pay the offeror's reasonable attorney fees incurred after the expiration of the time for accepting the offer, to the extent necessary to make the offeror whole.

''(5) In no case shall an award of attorney fees under this section exceed the amount of the judgment obtained. The court may reduce the award of costs and attorney fees to avoid the imposition of undue hardship on a party.

''(6) The fact that an offer is made under this section shall not preclude a subsequent offer.

''(7)(A) Subject to the provisions of subparagraph (B), when the liability of 1 party has been determined by verdict, order, or judgment, but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of judgment, which shall have the same effect as an offer made before trial.

''(B) The court may shorten the period of time an offeree may have to accept an offer under subparagraph (A), but in no case shall such period be less than 7 days.

''(b) A party making an offer shall not be deprived of the benefits of an offer it makes by an adverse party's subsequent offer, unless the subsequent offer is more favorable than the judgment obtained.

''(c) If the judgment obtained includes nonmonetary relief, a determination that it is more favorable to the offeree than was the offer shall be made only when the terms of the offer included all such nonmonetary relief.

''(d) This section shall not apply to class or derivative actions under rules 23, 23.1 and 23.2 of the Federal Rules of Civil Procedure.

''(e)(1) Except as provided under paragraph (2), the provisions of this section shall not be

construed to prohibit an award or reduce the amount of an award a party may receive under a statute which provides for the payment of attorney's fees by another party.

''(2) The amount a party may receive under this section may be set off against the amount of an award made under a statute described in paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part IV of title 28, United States Code, is amended by inserting after the item relating to chapter 113 the following:

''114. Pretrial provisions ..... 1721''.

SEC. 4. PRIOR NOTICE AS A PREREQUISITE OF FILING A CIVIL ACTION IN THE UNITED STATES DISTRICT COURT.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following:

''§ 483. Prior notice of civil action

''(a)(1) No less than 30 days before filing a civil action in a court of the United States the claimant intending to file such action shall transmit written notice to any intended defendant of the specific claims involved, including the amount of actual damages and expenses incurred and expected to be incurred. The claimant shall transmit such notice to any intended defendant at an address reasonably expected to provide actual notice.

''(2) For purposes of this section, the term 'transmit' means to mail by first class-mail, postage prepaid, or contract for delivery by any company which physically delivers correspondence as a commercial service to the public in its regular course of business.

''(3) The claimant shall at the time of filing a civil action, file in the court a certificate of service evidencing compliance with this subsection.

''(b) If the applicable statute of limitations for such action would expire during the period of notice required by subsection (a), the statute of limitations shall expire on the thirtieth day after the date on which written notice is transmitted to the intended defendant or defendants under subsection (a). The parties may by written agreement extend that 30-day period for an additional period of not to exceed 90 days.

''(c) The requirements of this section shall not apply—

''(1) in any action to seize or forfeit assets subject to forfeiture or in any bankruptcy, insolvency, receivership, conservatorship, or liquidation proceeding;

''(2) if the assets that are the subject of the action or would satisfy a judgment are subject to flight, dissipation, or destruction, or if the defendant is subject to flight;

''(3) if a written notice prior to filing an action is otherwise required by law, or the claimant has made a prior attempt in writing to settle the claim with the defendant;

''(4) in proceedings to enforce a civil investigative demand or an administrative summons;

''(5) in any action to foreclose a lien; or

''(6) in any action pertaining to a temporary restraining order, preliminary injunctive relief, or the fraudulent conveyance of property, or in any other type of action involving exigent circumstances that compel immediate resort to the courts.

''(d) If the district court finds that the requirements of subsection (a) have not been met by the claimant, and such defect is asserted by the defendant within 60 days after service of the summons or complaint upon such defendant, the claim shall be dismissed without prejudice and the costs of such action, including attorneys' fees, shall be imposed upon the claimant. Whenever an action is dismissed under this subsection, the claimant may refile such claim within 60 days after dismissal regardless of any statutory limitations period if—

''(1) during the 60 days after dismissal, notice is transmitted under subsection (a); and

''(2) the original action was timely filed in accordance with subsection (b).''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

''483. Prior notice of civil action.''.

SEC. 5. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) by amending subsection (a) to read as follows:

''(a) In any action brought pursuant to section 1979 of the Revised Statutes of the United States, by any adult convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed 180 days in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting immediately after ''(b)'' the following:

''(1) Upon the request of a State or local corrections agency, the Attorney General of the United States shall provide the agency with technical advice and assistance in establishing plain, speedy, and effective administrative remedies for inmate grievances.''.

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

''(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

SEC. 6. EXPERT WITNESSES.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1828 the following new section:

''§ 1829. Multiple expert witnesses

''In any civil action filed in a district court, the court shall not permit opinion evidence on the same issue from more than 1 expert witness for each party, except upon a showing of good cause.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1828 the following new section:

''1829. Multiple expert witnesses.''.

SEC. 7. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of any provision or amendment to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision and amendments to any other person or circumstance shall not be affected by that invalidation.

SEC. 8. EFFECTIVE DATE.

Except as expressly provided otherwise, this Act and the amendments made by this Act shall become effective 90 days after the date of the enactment of this Act. This Act shall not apply to any action or proceeding commenced before such effective date.

By Mr. NUNN (for himself, Mr. ROTH, Mr. GLENN, Mr. BOND, Mr. BUMPERS, Mr. PRESSLER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mr. JOHNSTON, Mr. DOMENICI, Mr. HOLLINGS, Mr. NICKLES, Mr. BREAUX, Mr. WARNER, Mr. ROBB, Mr. COCHRAN, Mr. BRYAN, Mr. SMITH, Mr. LAUTENBERG, Mr. MACK, Ms. MOSELEY-BRAUN, and Mr. SHELBY):

S. 244. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Governmental Affairs.

THE PAPERWORK REDUCTION ACT OF 1995

Mr. NUNN. Mr. President, I rise this morning on behalf of myself, Mr. ROTH, Mr. GLENN, Mr. BOND, and Mr. BUMPERS, to introduce the Paperwork Reduction Act of 1995. This bill is substantially identical to S. 560, which was unanimously approved by the Senate in the closing days of the 103d Congress.

I am pleased that the bill enjoys even broader bipartisan support this Congress. It is being cosponsored by the chairman and ranking Democratic member of the Committee on Governmental Affairs, BILL ROTH and JOHN GLENN, both have worked long and hard on legislation to strengthen the Paperwork Reduction Act of 1980 and to reauthorize appropriations for the Office of Information and Regulatory Affairs [OIRA], which has been without authorizing legislation since October of 1989. Leading cosponsors also include the chairman, Mr. BOND, and ranking Democratic member, Mr. BUMPERS, of the Committee on Small Business. The Committee on Small Business, of which I am the senior member, has played a crucial supporting role on behalf of the small business community in maintaining the effort to enact legislation to strengthen the 1980 act. We are being joined by 22 of our colleagues from both sides of the aisle, many of whom are present or former members of the Committee on Small Business of the Governmental Affairs.

Mr. President, as previously mentioned, the Paperwork Reduction Act of 1995 is substantively identical to S. 560 introduced in the 103d Congress. That bill represented the culmination of years of work which began in the 100th Congress. It represents a skillful blending of S. 560, as introduced by me and S. 681, a bill introduced by my friend from Ohio, Mr. GLENN, then chairman of the Governmental Affairs Committee. His skill and leadership, and the tenacity of all of the those involved in both bills made possible the crafting of this text of S. 560. It garnered unanimous support within the Governmental Affairs Committee. S. 560, as reported last year, had the support of the Clinton administration and I am hopeful that the administration

will also support this bill I introduce today.

Senator ROTH, chairman of the Governmental Affairs Committee indicated to me that we will have a markup on this bill next week. It is my hope that it will be an early legislative initiative in this Congress. I have also talked to Speaker GINGRICH about the bill, and it is my hope that they will make it an important part of their legislative agenda on the House side. So I am hoping, Mr. President, we will be able to get this bill to the President's desk in the next several weeks, certainly in the next several months, for actual implementation as law.

It also had the support of the broad-based Paperwork Reduction Act Coalition as well as elected officials, and many in the educational and nonprofit communities. S. 560, the Paperwork Reduction Act of 1994, passed the Senate by unanimous voice vote on October 6, 1994. The following day, the text of S. 560 was attached to a House-passed measure, H.R. 2561, and returned to the House. Unfortunately, the House Governmental Operations Committee declined to clear either measure before the adjournment of the 103d Congress, so we start anew with our legislative effort this year.

In this congress, I am hopeful that the House of Representatives will be more receptive to this legislation and that we can see it enacted into law. A modified version of S. 560 has been included in H.R. 9, the Job Creation and Wage Enhancement Act of 1995, which includes many of the regulatory and paperwork relief provisions of the Republican Contract With America. Representative BILL CLINGER, the new chairman of the House Committee on Government Reform and Oversight, the new name for the Committee on Government Operations, was the principal Republican cosponsor of H.R. 2995, the House companion to S. 560.

The Paperwork Reduction Act of 1995 provides a 5-year reauthorization of appropriations for the Office of Information and Regulatory Affairs [OIRA]. Created by the 1980 Act, OIRA serves as the focal point at the Office of Management and Budget for the act's implementation.

The principal purpose of the Paperwork Reduction Act of 1995 is to reaffirm and provide additional tools by which to attain the fundamental objective of the Paperwork Reduction Act of 1980—to minimize the Federal paperwork burdens imposed by individuals, businesses, especially small businesses, educational and nonprofit institutions, and State and local governments.

Mr. President, let me highlight some of the provisions of the bill. This legislation reemphasizes the fundamental responsibilities of each Federal agency minimize new paperwork burden by thoroughly reviewing each proposed collection of information for need and practical utility, the act's fundamental standards. The bill make explicit the responsibility of each Federal agency to conduct this review itself, before submitting the propose collection of information for public comment and clearance by OIRA.

The bill before us reflects the provisions of S. 560 that further enhance public participation in the review of paperwork burdens, when such burdens are first being proposed or when an agency is seeking to obtain approval to continue to use an existing paperwork requirement. Strengthening public participation is at the core of the 1980 act.

The Paperwork Reduction Act of 1995 maintains the 1980 act's Government-wide 5-percent goal for the reduction of paperwork burdens on the public. Given past experience, some question the effectiveness of such goals in producing net reductions in Government-wide paperwork burdens. I believe that the bill should reflect individual agency goals as well, and although this provision is not in the bill introduced today, I am hopeful it will be strengthened in the future. If seriously implemented, such agency goals can become an effective restraint on the cumulative growth of Government-sponsored paperwork burdens.

Mr. President, the bill includes amendments to the 1980 act which further empower members of the public to help police Federal agency compliance with the act. I would like to describe two of these provisions.

One provision would enable a member of the public to obtain a written determination from the OIRA Administrator regarding whether a federally sponsored paperwork requirement is in compliance with the act. If the agency requirement is found to be noncompliant, the Administrator is charged with taking appropriate remedial action. This provision is based upon a similar process added to the Office of Federal Procurement Policy Act in 1988.

The second provision encourages members of the public to identify paperwork requirements that have not been submitted for review and approval pursuant to the act's requirements. Although the act's public protection provisions explicitly shield the public from the imposition of any formal agency penalty for failing to comply with such an unapproved, or bootleg, paperwork requirement, individuals often feel compelled to comply. This is especially true when the individual has an on-going relationship with the agency and that relationship accords the agency substantial discretion that could be used to redefine their future dealings. Under this bill, which we are introducing today, a member of the public can blow the whistle on such a bootleg paperwork requirement and be accorded the protection of anonymity.

Next, Mr. President, I would like to emphasize that the Paperwork Reduction Act of 1995 clarifies the 1980 Act to make explicit that it applies to Government-sponsored third-party paperwork burdens.

These are recordkeeping, disclosure, or other paperwork burdens that one private party imposes on another private party at the direction of a Federal agency. In 1990, the U.S. Supreme Court decided that such Government-sponsored third-party paperwork burdens were not subject to the Paperwork Reduction Act. The Court's decision in Dole versus United Steelworkers of America created a potentially vast loophole. The public could be denied the Act's protections on the basis of the manner in which a Federal agency chose to impose a paperwork burden, indirectly rather than directly. It is worthy of note that Senator Chiles, now Governor Chiles, the father of the Paperwork Reduction Act went to the trouble and expense of filing an amicus brief to the Supreme Court arguing that no such exemption for third-party paperwork burdens was intended. The Court decided otherwise. I know that Governor Chiles will be gratified that this bill makes explicit the Act's coverage of all Government-sponsored paperwork burdens. Once this bill is enacted, we can feel confident that this major loophole will be closed. But given more than a decade of experience under the Act, it is prudent to remain vigilant to additional efforts to restrict the Act's reach and public protections.

The smart use of information by the Government, and its potential to minimize the burdens placed on the public, is a core concept of the 1980 Act. The information resources management [IRM] provisions of the Paperwork Reduction Act of 1995 build upon the foundation laid more than a decade ago by our former colleague from Florida, Lawton Chiles, the father of the Paperwork Reduction Act. These provisions of the bill are the major contribution of my friend from Ohio, Senator GLENN, who has emphasized the potential of improved IRM policies to make government more effective in serving the public.

Mr. President, I will not take any more of the Senate's time today to discuss the individual provisions of the Paperwork Reduction Act of 1995.

Mr. President, the Paperwork Reduction Act of 1995 enjoys strong support from the business community, especially the small business community. It has the support of a broad Paperwork Reduction Act Coalition, representing virtually every segment of the business community. They have worked long and hard on this legislation for many years. Without them, we would not be able to have the consensus bill that we have today.

Participating in the coalition are the major national small business associations—the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], and National Small Business United [NSBU] as well as the many specialized national small business associations,

like the American Subcontractors Association, that comprise the membership of the SBLC or NSBU. Other participants represent manufacturers, aerospace and electronics firms, construction firms, providers of professional and technical services, retailers of various products and services, and the wholesalers and distributors who support them. I would like to identify a few other organizations that comprise the Coalition's membership: the Aerospace Industries Association [AIA], the American Consulting Engineers Council [ACEC], the Associated Builders and Contractors [ABC], the Associated General Contractors of America [AGC], the Chemical Manufacturers Association [CMA], the Computer and Business Equipment Manufacturers Association [CBEMA], the Contract Services Association [CSA], the Electronic Industries Association [EIA], the Independent Bankers Association of America [IBAA], the International Communications Industries Association [ICIA], the National Association of Manufacturers, the National Association of Wholesalers and Distributors, the National Security Industrial Association [NSIA], the National Tooling and Machining Association [NTMA], the Printing Industries Association [PIA], and the Professional Service Council [PSC]. Leadership for the coalition is being provided by the Council on Regulatory and Information Management [C–RIM] and by the U.S. Chamber of Commerce. C–RIM is the new name for the Business Council on the Reduction of Paperwork, which has dedicated itself to paperwork reduction and regulatory reform issues for more than a half century.

The coalition also includes a number of professional associations and public interest groups that support strengthening the Paperwork Reduction Act of 1980. These include the Association of Records Managers and Administrators [ARMA] and Citizens for a Sound Economy [CSE], to name but two very active coalition members.

Mr. President, given the regulatory and paperwork burdens faced by State and local governments, legislation to strengthen the Paperwork Reduction Act is high on the agenda of the associations representing elected officials. The Governor of Florida, my friend Lawton Chiles, has worked hard on this issue within the National Governors Association. During its 1994 annual meeting, the National Governors Association adopted a resolution in support of legislation to strengthen the Paperwork Reduction Act of 1980.

Mr. President, I urge my colleagues to join me in supporting this legislation.

As I mentioned, Chairman ROTH and Senator GLENN are both cosponsors of this legislation, as is Senator BOND, the new chairman of the Small Business Committee, and the previous chairman and now ranking member, Senator BUMPERS.

It is my understanding that we will have a markup on this bill next week. It is my hope it can be on an accelerated schedule here on the Senate floor. It is my hope that the Paperwork Reduction Act of 1995 will get similar expedited treatment on the House side, so that President Clinton will have this bill on his desk in the next few weeks. So that with a strengthened Paperwork Reduction Act we can continue the difficult but very important process of cracking down on Federal agency paperwork burdens that do not meet the Act's standards.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paperwork Reduction Act of 1995''.

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

''CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

''§ 3501. Purposes

''The purposes of this chapter are to—

''(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

''(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

''(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

''(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

''(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

''(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

''(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

''(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

''(A) privacy and confidentiality, including section 552a of title 5;

''(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

''(C) access to information, including section 552 of title 5;

''(9) ensure the integrity, quality, and utility of the Federal statistical system;

''(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

''(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

''§ 3502. Definitions

''As used in this chapter—

''(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

''(A) the General Accounting Office;

''(B) Federal Election Commission;

''(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

''(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

''(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

''(A) reviewing instructions;

''(B) acquiring, installing, and utilizing technology and systems;

''(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

''(D) searching data sources;

''(E) completing and reviewing the collection of information; and

''(F) transmitting, or otherwise disclosing the information;

''(3) the term 'collection of information'—

''(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

''(B) shall not include a collection of information described under section 3518(c)(1);

''(4) the term 'Director' means the Director of the Office of Management and Budget;

''(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

''(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

''(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

''(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

''(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

''(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

''(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

''(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

''(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

''§ 3503. Office of Information and Regulatory Affairs

''(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

''(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

''§ 3504. Authority and functions of Director

''(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

''(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

''(B) provide direction and oversee—

''(i) the review of the collection of information and the reduction of the information collection burden;

''(ii) agency dissemination of and public access to information;

''(iii) statistical activities;

''(iv) records management activities;

''(v) privacy, confidentiality, security, disclosure, and sharing of information; and

''(vi) the acquisition and use of information technology.

''(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

''(b) With respect to general information resources management policy, the Director shall—

''(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

''(2) foster greater sharing, dissemination, and access to public information, including through—

''(A) the use of the Government Information Locator Service; and

''(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

''(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

''(4) oversee the development and implementation of best practices in information resources management, including training; and

''(5) oversee agency integration of program and management functions with information resources management functions.

''(c) With respect to the collection of information and the control of paperwork, the Director shall—

''(1) review proposed agency collections of information, and in accordance with section 3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

''(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

''(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

''(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

''(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

''(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

''(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

''(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

''(e) With respect to statistical policy and coordination, the Director shall—

''(1) coordinate the activities of the Federal statistical system to ensure—

''(A) the efficiency and effectiveness of the system; and

''(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

''(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

''(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

''(A) statistical collection procedures and methods;

''(B) statistical data classification;

''(C) statistical information presentation and dissemination;

''(D) timely release of statistical data; and

''(E) such statistical data sources as may be required for the administration of Federal programs;

''(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

''(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

''(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

''(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

''(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

''(A) be headed by the chief statistician; and

''(B) consist of—

''(i) the heads of the major statistical programs; and

''(ii) representatives of other statistical agencies under rotating membership; and

''(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

''(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

''(B) all costs of the training shall be paid by the agency requesting training.

''(f) With respect to records management, the Director shall—

''(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

''(2) review compliance by agencies with—

''(A) the requirements of chapters 29, 31, and 33 of this title; and

''(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

''(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

''(g) With respect to privacy and security, the Director shall—

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

''(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, the Director shall—

''(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

''(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

''(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

''(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and review proposed determinations under section 111(e) of such Act;

''(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

''(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

''(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

''(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

''(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

''§ 3505. Assignment of tasks and deadlines

''In carrying out the functions under this chapter, the Director shall—

''(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

''(A) reduce information collection burdens imposed on the public that—

''(i) represent the maximum practicable opportunity in each agency; and

''(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

''(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

''(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden;

''(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

''(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

''(B) plans for—

''(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

''(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

''(iii) meeting the information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759), and the purposes of this chapter; and

''(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions; and

''(4) in cooperation with the Administrator of General Services, issue guidelines for the establishment and operation in each agency of a process, as required under section 3506(h)(5) of this chapter, to review major information systems initiatives, including acquisition and use of information technology.

''§ 3506. Federal agency responsibilities

''(a)(1) The head of each agency shall be responsible for—

''(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

''(B) complying with the requirements of this chapter and related policies established by the Director.

''(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

''(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

''(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

''(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

''(5) The head of each agency shall establish a permanent information resources management steering committee, which shall be chaired by the senior official designated under paragraph (2) and shall include senior program officials and the Chief Financial Officer (or comparable official). Each steering committee shall—

''(A) assist and advise the head of the agency in carrying out information resources management responsibilities of the agency;

''(B) assist and advise the senior official designated under paragraph (2) in the establishment of performance measures for information resources management that relate to program missions;

''(C) select, control, and evaluate all major information system initiatives (including acquisitions of information technology) in accordance with the requirements of subsection (h)(5); and

''(D) identify opportunities to redesign business practices and supporting information systems to improve agency performance.

''(b) With respect to general information resources management, each agency shall—

''(1) develop information systems, processes, and procedures to—

''(A) reduce information collection burdens on the public;

''(B) increase program efficiency and effectiveness; and

''(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

''(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

''(3) develop and maintain an ongoing process to—

''(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

''(B) develop and maintain an integrated, comprehensive and controlled process of information systems selection, development, and evaluation;

''(C) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

''(D) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

''(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

''(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

''(c) With respect to the collection of information and the control of paperwork, each agency shall—

''(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

''(A) review each collection of information before submission to the Director for review under this chapter, including—

''(i) an evaluation of the need for the collection of information;

''(ii) a functional description of the information to be collected;

''(iii) a plan for the collection of the information;

''(iv) a specific, objectively supported estimate of burden;

''(v) a test of the collection of information through a pilot program, if appropriate; and

''(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

''(B) ensure that each information collection—

''(i) is inventoried, displays a control number and, if appropriate, an expiration date;

''(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

''(iii) contains a statement to inform the person receiving the collection of information—

''(I) the reasons the information is being collected;

''(II) the way such information is to be used;

''(III) an estimate, to the extent practicable, of the burden of the collection; and

''(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

''(C) assess the information collection burden of proposed legislation affecting the agency;

''(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

''(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

''(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

''(iii) enhance the quality, utility, and clarity of the information to be collected; and

''(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

''(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

''(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

''(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

''(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

''(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

''(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

''(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

''(iii) an exemption from coverage of the collection of information, or any part thereof;

''(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

''(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

''(F) contains the statement required under paragraph (1)(B)(iii);

''(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

''(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

''(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

''(d) With respect to information dissemination, each agency shall—

''(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

''(A) encouraging a diversity of public and private sources for information based on government public information, and

''(B) agency dissemination of public information in an efficient, effective, and economical manner;

''(2) regularly solicit and consider public input on the agency's information dissemination activities; and

''(3) not, except where specifically authorized by statute—

''(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

''(B) restrict or regulate the use, resale, or redissemination of public information by the public;

''(C) charge fees or royalties for resale or redissemination of public information; or

''(D) establish user fees for public information that exceed the cost of dissemination.

''(e) With respect to statistical policy and coordination, each agency shall—

''(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

''(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

''(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

''(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

''(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

''(6) make data available to statistical agencies and readily accessible to the public.

''(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

''(g) With respect to privacy and security, each agency shall—

''(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

''(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, each agency shall—

''(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

''(2) assume responsibility and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

''(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

''(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

''(5) establish, and be responsible for, a major information system initiative review process, which shall be developed and implemented by the information resources management steering committee established under subsection (a)(5), consistent with guidelines issued under section 3505(4), and include—

''(A) the review of major information system initiative proposals and projects (including acquisitions of information technology), approval or disapproval of each such initiative, and periodic reviews of the development and implementation of such initiatives, including whether the projected benefits have been achieved;

''(B) the use by the committee of specified evaluative techniques and criteria to—

''(i) assess the economy, efficiency, effectiveness, risks, and priority of system initiatives in relation to mission needs and strategies;

''(ii) estimate and verify life-cycle system initiative costs; and

''(iii) assess system initiative privacy, security, records management, and dissemination and access capabilities;

''(C) the use, as appropriate, of independent cost evaluations of data developed under subparagraph (B); and

''(D) the inclusion of relevant information about approved initiatives in the agency's annual budget request.

''§ 3507. Public information collection activities; submission to Director; approval and delegation

''(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

''(1) the agency has—

''(A) conducted the review established under section 3506(c)(1);

''(B) evaluated the public comments received under section 3506(c)(2);

''(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

''(D) published a notice in the Federal Register—

''(i) stating that the agency has made such submission; and

''(ii) setting forth—

''(I) a title for the collection of information;

''(II) a summary of the collection of information;

''(III) a brief description of the need for the information and the proposed use of the information;

''(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

''(V) an estimate of the burden that shall result from the collection of information; and

''(VI) notice that comments may be submitted to the agency and Director;

''(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

''(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

''(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

''(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

''(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

''(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

''(A) the approval may be inferred;

''(B) a control number shall be assigned without further delay; and

''(C) the agency may collect the information for not more than 2 years.

''(d)(1) For any proposed collection of information contained in a proposed rule—

''(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

''(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

''(2) When a final rule is published in the Federal Register, the agency shall explain—

''(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

''(B) the reasons such comments were rejected.

''(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

''(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

''(A) from disapproving any collection of information which was not specifically required by an agency rule;

''(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

''(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

''(D) from disapproving any collection of information contained in a final rule, if—

''(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

''(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

''(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

''(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

''(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

''(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

''(3) This subsection shall not require the disclosure of—

''(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

''(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

''(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

''(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of that agency; or

''(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

''(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

''(g) The Director may not approve a collection of information for a period in excess of 3 years.

''(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

''(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

''(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

''(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

''(A) publish an explanation thereof in the Federal Register; and

''(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

''(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the

Director for review and approval under this chapter.

''(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

''(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

''(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

''(A) a collection of information—

''(i) is needed prior to the expiration of such time periods; and

''(ii) is essential to the mission of the agency; and

''(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

''(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

''(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

''(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

''§ 3508. Determination of necessity for information; hearing

''Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

''§ 3509. Designation of central collection agency

''The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

''§ 3510. Cooperation of agencies in making information available

''(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

''(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

''(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

''§ 3511. Establishment and operation of Government Information Locator Service

''In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

''(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

''(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

''(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

''(4) consider public access and other user needs in the establishment and operation of the Service;

''(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

''(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

''§ 3512. Public protection

''Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the collection of information subject to this chapter—

''(1) does not display a valid control number assigned by the Director; or

''(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

''§ 3513. Director review of agency activities; reporting; agency response

''(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

''(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

''(1) be taken to address information resources management problems identified in the report; and

''(2) improve agency performance and the accomplishment of agency missions.

''§ 3514. Responsiveness to Congress

''(a)(1) The Director shall—

''(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

''(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

''(2) The Director shall include in any such report a description of the extent to which agencies have—

''(A) reduced information collection burdens on the public, including—

''(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

''(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

''(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

''(B) improved the quality and utility of statistical information;

''(C) improved public access to Government information; and

''(D) improved program performance and the accomplishment of agency missions through information resources management.

''(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

''§ 3515. Administrative powers

''Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

''§ 3516. Rules and regulations

''The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

''§ 3517. Consultation with other agencies and the public

''(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and

persons early and meaningful opportunity to comment.

''(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

''(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

''(2) take appropriate remedial action, if necessary.

''§ 3518. Effect on existing laws and regulations

''(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

''(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

''(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

''(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

''(B) during the conduct of—

''(i) a civil action to which the United States or any official or agency thereof is a party; or

''(ii) an administrative action or investigation involving an agency against specific individuals or entities;

''(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

''(D) during the conduct of intelligence activities as defined in section 4–206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

''(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

''(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

''(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

''§ 3519. Access to information

''Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

''§ 3520. Authorization of appropriations

''(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $8,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

''(b)(1) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section.

''(2) No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.''.

SEC. 3. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on June 30, 1995.

S. 244, THE 'PAPERWORK REDUCTION ACT OF 1995'—SUMMARY

The ''Paperwork Reduction Act of 1995'' will—

Reaffirm the fundamental purpose of the Paperwork Reduction Act of 1980: to minimize the Federal paperwork burdens imposed on individuals, small businesses, State and local governments, educational and nonprofit institutions, and Federal contractors.

Provide a five-year authorization of appropriations for the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget, the paperwork ''watchdog'' under the Act.

Clarify that the Act's public protections apply to all Government-sponsored paperwork, eliminating any confusion over the coverage of so-called ''third-party burdens'' (those imposed by one private party on another private party due to a Federal regulation), caused by the U.S. Supreme Court's 1989 decision in Dole v. United Steelworkers of America.

Seek to reduce the paperwork burdens imposed on the public through an annual Government-wide paperwork reduction goal of 5 percent.

Emphasize the fundamental responsibilities of each Federal agency to minimize paperwork burdens and foster paperwork reduction, by requiring—

a thorough review of each proposed collection of information for need and practical utility, the Paperwork Reduction Act's fundamental standards, which enables an agency to collect needed information while minimizing the burden imposed on the public;

agency planning to maximize the use of information already collected by the public;

better notice and opportunity for public participation with at least a 60-day comment period for each proposed paperwork requirement;

agency certification of compliance with public participation requirements and the Act's fundamental standards of need and practical utility for each proposed paperwork requirement before its submission to OIRA for review, approval and assignment of a control number clearance; and

Strengthen OIRA's responsibilities in the fight to minimize paperwork burdens imposed on the public, by—

empowering OIRA to establish standards under which Federal agencies can more accurately estimate the burden placed upon the public by a proposed paperwork requirements;

working with the Office of Federal Procurement Policy (OFPP) to reduce the substantial paperwork burdens associated with Government contracting; and

Empower the public further in the paperwork reduction fight by enabling an individual to obtain a written determination from the OIRA Administrator regarding whether a Federally sponsored paperwork requirement complies with the Act's standards and public protections, in the same manner that a determination can be sought from the OFPP Administrator regarding whether a procurement regulation issued by an individual agency or buying activity is consistent with the Government-wide Federal Acquisition Regulation.

Improves the Government's ability to make more effective use of the information collected from the public by—

specifying responsibilities of individual agencies regarding information resources management (IRM);

enhancing OIRA's responsibility and authority for establishing Government-wide IRM policy;

establishing policies for linking information technology (IT) budgeting and IRM decision-making to agency program performance, consistent with ''Best Practices'' studies conducted by the U.S. General Accounting Office.

Strengthen OIRA's leadership role in Federal statistical policy.

THE PAPERWORK REDUCTION ACT COALITION

Aerospace Industries Association of America.
Air Transport Association of America.
Alliance of American Insurers.
American Consulting Engineers Council.
American Institute of Merchant Shipping.
American Iron and Steel Institute.
American Petroleum Institute.
American Subcontractors Association.
American Telephone & Telegraph.
Associated Builders & Contractors.
Associated Credit Bureaus.
Associated General Contractors of America.
Association of Manufacturing Technology.
Association of Records Managers and Administrators.
Automative Parts and Accessories Association.
Biscuit and Cracker Manufacturers' Association.
Bristol Myers.
Chemical Manufacturers Association.
Chemical Specialties Manufacturers Association.
Citizens Against Government Waste.
Citizens For A Sound Economy.
Computer and Business Equipment Manufacturers Association.
Contract Services Association of America.
Copper & Brass Fabricators Council.
Dairy and Food Industries Supply Association.
Direct Selling Association.
Eastman Kodak Company.
Electronic Industries Association.
Financial Executive Institute.
Food Marketing Institute.

Gadsby & Hannah.
Gas Appliance Manufacturers Association.
General Electric.
Glaxo, Inc.
Greater Washington Board of Trade.
Hardwood Plywood and Veneer Association.
Independent Bankers Association of America.
International Business Machines.
International Communication Industries Association.
International Mass Retail Association.
Kitchen Cabinet Manufacturers Association.
Mail Advertising Service Association International.
McDermott, Will & Emery.
Motorola Government Electronics Group.
National Association of Homebuilders of the United States.
National Association of Manufacturers.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of the Remodeling Industry.
National Association of Wholesalers-Distributors.
National Federation of Independent Business.
National Food Brokers Association.
National Food Processors Association.
National Foundation for Consumer Credit.
National Glass Association.
National Restaurant Association.
National Roofing Contractors Association.
National Security Industrial Association.
National Small Business United.
National Society of Professional Engineers.
National Society of Public Accountants.
National Tooling and Machining Association.
Northrop Corporation.
Packaging Machinery Manufacturers Institute.
Painting and Decorating Contractors of America.
Printing Industries of America.
Professional Services Council.
Shipbuilders Council of America.
Small Business Legislative Council.
Society for Marketing Professional Services.
Sun Company, Inc.
Sunstrand Corporation.
Texaco.
United Technologies.
Wholesale Florists and Florist Suppliers of America.

MEMBERS OF THE SMALL BUSINESS LEGISLATIVE COUNCIL

Air Conditioning Contractors of America.
Alliance for Affordable Health Care.
Alliance of Independent Store Owners and Professionals.
American Animal Hospital Association.
American Association of Nurserymen.
American Bus Association.
American Consulting Engineers Council.
American Council of Independent Laboratories.
American Floorcovering Association.
American Gear Manufacturers Association.
American Machine Tool Distributors Association.
American Road & Transportation Builders Association.
American Society of Travel Agents, Inc.
American Sod Producers Association.
American Subcontractors Association.
American Textile Machinery Association.
American Trucking Associations, Inc.
American Warehouse Association.
American Wholesale Marketers Association.
AMT–The Association for Manufacturing Technology.
Apparel Retailers of America.
Architectural Precast Association.
Associated Builders & Contractors.
Associated Equipment Distributors.
Associated Landscape Contractors of America.
Association of Small Business Development Centers.
Automotive Service Association.
Automotive Recyclers Association.
Bowling Proprietors Association of America.
Building Service Contractors Association International.
Business Advertising Council.
Christian Booksellers Association.
Council of Fleet Specialists.
Council of Growing Companies.
Direct Selling Association.
Electronics Representatives Association.
Florists' Transworld Delivery Association.
Health Industry Representatives Association.
Helicopter Association International.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Medical Distributors Association.
International Association of Refrigerated Warehouses.
International Communications Industries Association.
International Formalwear Association.
International Television Association.
Machinery Dealers National Association.
Manufacturers Agents National Association.
Manufacturers Representatives of America, Inc.
Mechanical Contractors Association of America, Inc.
National Association for the Self-Employed.
National Association of Catalog Showroom Merchandisers.
National Association of Home Builders.
National Association of Investment Companies.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Private Enterprise.
National Association of Realtors.
National Association of Retail Druggists.
National Association of RV Parks and Campgrounds.
National Association of Small Business Investment Companies.
National Association of the Remodeling Industry.
National Association of Truck Stop Operators.
National Association of Women Business Owners.
National Chimney Sweep Guild.
National Association of Catalog Showroom Merchandisers.
National Coffee Service Association.
National Electrical Contractors Association.
National Electrical Manufacturers Representatives Association.
National Food Brokers Association.
National Independent Flag Dealers Association.
National Knitwear Sportswear Association.
National Lumber & Building Material Dealers Association.
National Moving and Storage Association.
National Ornamental & Miscellaneous Metals Association.
National Paperbox Association.
National Shoe Retailers Association.
National Society of Public Accountants.
National Tire Dealers & Retreaders Association.
National Tooling and Machining Association.
National Tour Association.
National Venture Capital Association.
Opticians Association of America.
Organization for the Protection and Advancement of Small Telephone Companies.
Passenger Vessel Association.
Petroleum Marketers Association of America.
Power Transmission Representatives Association.
Printing Industries of America, Inc.
Promotional Products Association International.
Retail Bakers of America.
Small Business Council of America, Inc.
Small Business Exporters Association.
SMC/Pennsylvania Small Business.
Society of American Florists.

Mr. ROTH. Mr. President, I am pleased to join today with the distinguished gentleman from Georgia [Senator NUNN] in introducing the Paperwork Reduction Act of 1995. Last year, this legislation, after thorough consideration by the Committee on Governmental Affairs, was reported unanimously and then passed the Senate on two different occasions, also unanimously.

This legislation is part of the Contract With America. While the contract contains the original version which Senator NUNN and I introduced in the last Congress, we believe that the new House leadership would be receptive to the improved version we are today introducing. I am hopeful that the Senate will take the lead once again in passing this legislation. As chairman of the Committee on Governmental Affairs, I intend to process this legislation quickly, and ask my colleagues on the committee to join with Senator NUNN, Senator GLENN, and myself in this effort.

I would hope that this legislation could be acted on this month to become the third Governmental Affairs bill in this young session to be considered on the floor.

This legislation enjoys widespread support among the business community, both big and small, as well as among State, local, and tribal governments and the people—all who bear the burden of Federal Government paperwork collections. This legislation strengthens the paperwork reduction aspects of the 1980 act and directs OIRA to reduce paperwork burdens on the public by 5 percent annually. By overturning the 1990 Supreme Court decision in Dole versus United Steel Workers of America, it extends the jurisdiction of the act by 50 percent. One could thus expect the burden-saving results of this legislation to be substantial.

The Committee on Governmental Affairs has broad jurisdiction over subjects of paperwork burdens, information technology, and regulations. No one piece of legislation can adequately deal with all facets of those subjects. This legislation is not the last that

will be addressed on those subjects by the committee.

On February 1, 1995, the committee will hold a hearing on the Government's use of information technology as part of the Committee's Reinventing Government effort.

On February 8, 1995, the committee will begin a set of hearings on the broad subject of regulatory reform.

Mr. GLENN. Mr. President, it gives me great pleasure to join with my colleagues from the Government Affairs Committee, Senator NUNN and Senator ROTH, to cosponsor our bipartisan legislation to reauthorize the Paperwork Reduction Act. The legislation we introduce today reflects the compromise we achieved in the last Congress, which the Senate passed by a unanimous vote on October 6, 1994. I am confident that this bill will once again be passed by the Senate and then move quickly in the House.

This legislation has two very important and closely related purposes. First, the Paperwork Reduction Act is vital to reducing Government paperwork burdens on the American public. Too often, individuals and businesses are burdened by having to fill out questionnaires and forms that simply are not needed to implement the laws of the land. Too much time and money is wasted in an effort to satisfy bureaucratic excess. The Paperwork Reduction Act of 1980 created a clearance process to control this Government appetite for information. The Paperwork Reduction Act of 1995 strengthens this process and will reduce the burdens of Government redtape on the public.

Second, the act is key to improving the efficiency and effectiveness of government information activities. The Federal Government is now spending over $25 billion a year on information technology. The new age of computers and telecommunications provides many opportunities for improvements in Government operations. Unfortunately, as oversight by our committee and others has shown, the Government is wasting millions of dollars on poorly designed and often incompatible systems. This must stop. The Paperwork Reduction Act of 1980 took a first step on the road to reform when it created information resources management [IRM] policies to be overseen by OMB. The Paperwork Reduction Act of 1995 strengthens that mandate and establishes new requirements for agency IRM improvements.

In these and other ways, this legislation strengthens the Paperwork Reduction Act and reflects the concerns of a broad array of Senators. As my colleagues know, I have been working for several years to reauthorize this important law. I am very pleased with the result. With this legislation, we:

Reauthorize the act for 5 years;

Overturn the Dole versus United Steelworkers Supreme Court decision, so that information disclosure requirements are covered by the OMB paperwork clearance process;

Require agencies to evaluate paperwork proposals and solicit public comment on them before the proposals go to OMB for review;

Create additional opportunities for the public to participate in paperwork clearance and other information management decisions;

Strengthen agency and OMB information resources management [IRM] requirements;

Establish information dissemination standards and require the development of a government information locator service [GILS] to ensure improved public access to government information, especially that maintained in electronic format; and

Make other improvements in the areas of government statistics, records management, computer security, and the management of information technology.

These are important reforms. They are the result of over a year long process of consultation among members of the Governmental Affairs Committee, the administration, and the General Accounting Office. Of course, reaching agreement on this legislation has involved compromises that displease some. It may also not completely resolve conflicting views on many of the OMB paperwork and regulatory review controversies that have dogged congressional oversight of the Paperwork Reduction Act. But again, this legislation is a compromise that addresses many important issues and will help the Government reduce paperwork burdens on the public and improve the management of Federal information resources. I believe this is a very good compromise that can and should pass both the Senate and the House. I urge my colleagues to support this legislation.

By Mr. COHEN (for himself, Mr. DOLE, Mr. SIMPSON, Mr. STEVENS, Mr. D'AMATO, Mr. GRAHAM, Mr. COATS, Mr. GREGG, Mr. WARNER, Mr. NICKLES, Mr. PRYOR, Mr. BOND, Mr. CHAFEE, Mr. FORD, and Mr. DOMENICI):

S. 245. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Finance.

THE HEALTH CARE FRAUD PREVENTION ACT OF 1995

Mr. COHEN. Mr. President, I rise today to introduce, on behalf of myself, Senators DOLE, SIMPSON, STEVENS, D'AMATO, GRAHAM of Florida, COATS, GREGG, WARNER, NICKLES, PRYOR, CHAFEE, BOND, and FORD, the Health Care Fraud Prevention Act of 1995.

Mr. President, health care reform has now taken a back seat to some other measures that are now before the Congress, as our colleagues in the House debate their Contract With America provisions and this body debates unfunded mandates, a balanced budget amendment, and entitlement reform. Apparently health care reform is going to have to wait. But I must say that it is just as important as these other issues as far as the American people are concerned. But as we await the debate on health care reform, which I believe must come this session, we also have to take steps immediately to toughen our defenses against fraudulent practices that are driving up the cost of health care for families, businesses and taxpayers alike.

You may recall that last year I introduced a measure which contained some additions to the criminal law provisions of our title 18 statutes. Those provisions were adopted unanimously by the Senate. They were sent over to the House where they were stripped out of the anticrime bill at conference because the majority rationalized that these provisions should not go on the crime bill but on a health care reform bill. As we know, there was no health care reform bill passed last year.

On a number of occasions, I sought to attach the provisions to pending legislation, for example, the D.C. appropriations bill and the Labor, HHS appropriations bill. I was prevailed upon to withdraw the legislation at that time so as to allow the appropriations bills to go forward. And I pointed out at that time, which was at the conclusion of last year's session of Congress, that we would lose as much as $100 billion a year due to health care fraud and abuse. That amounts to $275 million a day or $11.5 million every single hour.

Mr. President, I do not think we can afford to delay this any longer. Over the past 5 years, we have lost as much as $418 billion from health care fraud and abuse, which is approximately four times the total losses associated with the savings and loan crisis.

Just imagine the furor that enveloped this country over the bailout necessary because of the savings and loan problems that afflicted this country. It is four times that as far as health care fraud is concerned, and yet there does not seem to be much of a sense of urgency on the part of our colleagues to do much about it.

Mr. President, I have worked with the Justice Department, the FBI, Medicaid fraud units, inspectors general, and others in developing this legislation. As I pointed out last year there is a song, I think it was by Paul Simon—not our PAUL SIMON but the song writer Paul Simon—who had a song called ''Fifty Ways To Leave Your Lover.'' We showed through an Aging Committee's year-long investigation at least 50 ways in which to pick the pockets of Uncle Sam and of private insurers.

I will not, because of the length of the report, introduce it now into the RECORD. I will simply ask unanimous consent that at the conclusion of my remarks the executive summary of this year-long investigation be introduced in the RECORD and included as part of it.

Let me simply add a few more examples of the kinds of activities that are taking place now while we are debating

other amendments, germane and nongermane, to the pending unfunded mandates bill. First, let me point out that there are roughly a half billion Medicare claims processed each year and the overwhelming majority of those are submitted for legitimate services by conscientious health care providers and beneficiaries—the overwhelming majority. It is the minority who are taking as much as $100 billion out of the system.

Let me give you examples of what is going on. A doctor promoted his clinic in television, radio, newspaper, and telephone book ads as a ''one-stop, walk-in diagnostic center.'' You can walk in, and they can take care of any problem you have got. So a person might go in for an examination for a shoulder injury and be subjected to a huge battery of tests which have nothing to do with the shoulder, resulting in bills of $4,000 and more per patient.

Using the names of dozens of dead patients, a phantom laboratory in Miami allegedly cheated the Government out of $300,000 in Medicare payments in a matter of just a few weeks for lab tests never performed. The lab that was submitting the bills for the tests was basically a rented mailbox and a Medicare billing number. That was it.

Employees of an airline were indicted for filing false and fraudulent claims for reimbursement to a private insurance company for medical care and services they claimed to have received in another country. The allegations are that the employees attempted to mail false and fictitious forms totaling close to $600,000 for treatments and services never performed.

A durable medical equipment company, its owner and sales manager pled guilty to supplying unnecessary medical equipment such as hospital beds and oxygen concentrators to residents of adult congregate living facilities and then billing Medicare for more than $600,000. These conspirators induced the facilities' managers to allow them to provide the equipment by promising to leave the equipment when the patients died or were transferred.

Physician-owners of a clinic in New York stole over $1.3 million from the State Medicaid program by fraudulently billing for over 50,000 phantom psychotherapy sessions never given to Medicaid patients.

Finally, a medical equipment supplier stole $1.45 million from Medicaid by repeatedly billing for expensive back supports that were never authorized by the patients' physicians.

These cases are but a small sample of the fraudulent and abusive schemes that are plaguing our health care system daily, freezing millions of Americans out of affordable health care coverage, and driving up costs for taxpayers.

The bill I am introducing today will go far in strengthening our defenses against health care fraud.

Specifically, it will:

Give prosecutors stronger tools and tougher statutes to combat criminal health care fraud. It would, for example, provide a specific health care offense in title 18 so that prosecutors are not forced to spend excessive time and resources to develop a nexus to the mail or wire fraud statutes to pursue clear cases of fraud, or to track the cash-flow from health care schemes in order to prosecute under money laundering statutes.

It will allow injunctive relief and forfeiture for criminal health care fraud; provide greater authority to exclude violators from Medicare and Medicaid programs; create tough administrative civil penalties and remedies for fraud and abuse so that a range of sanctions will be available; and coordinate enforcement programs and beef up investigative resources, which are now woefully inadequate. For example, the HHS' inspector general states that it produces $80 in savings for each Federal dollar invested in their office yet their full-time equivalent position level has actually decreased over the last few years.

The FBI recently testified that they have over 1,300 cases pending but that regardless of this prioritization, the amount of health care fraud not being addressed due to a lack of available resources is growing and that health care fraud appears to be a problem of immense proportion which is presently not being fully addressed.

I might point out we have been reading about the extent of global international crime, even all the way from Russia, now moving into this country and ripping off the Medicare-Medicaid Programs and other health care systems by the millions. This is a growing problem of great concern to me, so the FBI needs help. This bill helps agencies like the FBI and HHS and DOD inspectors general by financing additional health care fraud enforcement resources with proceeds derived from forfeiture, fines, and other health care fraud enforcement efforts.

It will also provide guidance to health care providers and industries on how to comply with fraud rules, so they will know what is and what is not prohibited activity.

I have worked closely with law enforcement and health care fraud experts in developing these proposals, and am continuing to work with industry representatives to ensure that fraud and abuse statutes and requirements are fair, clearly understood by health care providers, and reflect the changing health care market. Our goal should not be to burden health care providers with complicated, murky rules on fraud and abuse, but rather to lay down clear rules and guidance, followed by tough enforcement for violations.

Mr. President, when we are losing as much as $275 million per day to health care fraud and abuse, we cannot afford to delay any longer. The only ones who benefit from delay on this important issue are those who are bilking billions from our system. The very big losers will be the American taxpayers, patients, and families who cannot afford health care coverage because premiums and health care costs are escalating to cover the exorbitant costs of fraud and abuse.

I want to thank Senator DOLE for his steadfast support and leadership on this issue and I urge my colleagues to support and act expeditiously on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed.

EXECUTIVE SUMMARY

GAMING THE HEALTH CARE SYSTEM: BILLIONS OF DOLLARS LOST EACH YEAR TO FRAUD AND ABUSE

For the past year, the Minority Staff of the Senate Special Committee on Aging under my direction has investigated the explosion of fraud and abuse in the U.S. health care system. This report examines emerging trends, patterns of abuse, and types of tactics used by fraudulent providers, unscrupulous suppliers, and ''professional'' patients who game the system in order to reap billions of dollars in reimbursements by Medicare, Medicaid, and private insurers.

The consequences of fraud and abuse to the health care system are staggering: as much as 10 percent of U.S. health care spending, or $100 billion, is lost each year to health care fraud and abuse. Over the last five years, estimated losses from these fraudulent activities totaled about $418 billion—or almost four times as much as the cost of the entire savings and loan crisis to date.

Our investigation revealed that vulnerabilities to fraud exist throughout the entire health care system and that patterns of fraud within some provider groups have become particularly problematic. Major patterns of abuse that plague the system are overbilling, billing for services not rendered, ''unbundling'' (whereby one item, for example a wheelchair, is billed as many separate component parts), ''upcoding'' services to receive higher reimbursements, providing inferior products to patients, paying kickbacks and inducements for referrals of patients, falsifying claims and medical records to fraudulently certify an individual for government benefits, and billing for ''ghost'' patients, or ''phantom'' sessions or services.

This report provides 50 case examples of scams that have recently infiltrated our health care system. While these are but a small sampling of schemes that were reviewed during the investigation, they serve to illustrate how our health care system is rife with abuse, and how Medicare, Medicaid and private insurers have left their doors wide open to fraud.

Patients—and, in the case of Medicare and Medicaid, taxpayers—pay a high price for health care fraud and abuse in the form of higher health care costs, higher premiums, and at times, serious risks to patients' health and safety. For example;

Physician-owners of a clinic in New York stole over $1.3 million from the State Medicaid program by fraudulently billing for over 50,000 ''phantom'' psychotherapy sessions never given to Medicaid recipients;

A speech therapist submitted false claims to Medicare for services ''rendered to patients'' several days after they had died;

A home health care company stole more than $4.6 million from Medicaid by billing for home care provided by unqualified home care aides. In addition to cheating Medicaid, elderly and disabled individuals were at risk from untrained and unsupervised aides;

Nursing home operators charged personal items such as swimming pools, jewelry, and the family nanny to Medicaid cost reports;

Fifteen hundred workers lost their prescription drug coverage because a scam drove up the cost of the insurance plan for their employer. The scam involved a pharmacist who stole over $370,000 from Medicaid and private health insurance plans by billing over one thousand times for prescription drugs that he did not actually dispense;

Large quantities of sample and expired drugs were dispensed to nursing home patients and pharmacy customers without their knowledge. When complaints were received from nursing home staff and patient relatives regarding the ineffectiveness of the medications, one of the scam artists stated ''those people are old, they'll never know the difference and they'll be dead soon anyway'';

Durable medical equipment suppliers stole $1.45 million from the New York State Medicaid program by repeatedly billing for expensive orthotic back supports that were never prescribed by physicians;

A scheme involved the distribution of $6 million worth of reused pacemakers and mislabeled pacemakers intended for ''animal use only.'' The scheme involved kickbacks to cardiologists and surgeons to induce them to use pacemakers that had already expired; and

A clinical psychologist was indicted for having sexual intercourse with some of his patients and then seeking reimbursement from a federal health plan for these encounters as ''therapy'' sessions.

Our investigation found that scams such as these are perpetrated against both public and private health plans, and that health care fraud schemes have become more complex and sophisticated, often involving regional or national corporations and other organized entities. No part of the health care system is exempt from these fraudulent practices, however, we found that major patterns of fraud and abuse have infiltrated the following health care sectors: ambulance and taxi services, clinical laboratories, durable medical equipment suppliers, home health care, nursing homes, physicians, psychiatric services, and rehabilitative services in nursing homes. Our investigation further concludes that fraud and abuse is particularly rampant in Medicaid, and that many of the fraudulent schemes that have preyed on the Medicare program in recent years are now targeting the Medicaid program for further abuse.

GREATER OPPORTUNITIES FOR FRAUD WILL EXIST UNDER HEALTH CARE REFORM

As our health care system moves toward a managed care model, opportunities for fraud and abuse will increase unless enforcement efforts and tools are strengthened. The structure and incentives of a managed care system will result in a concentration of particular types of schemes, such as the failure to provide services and quality of care deficiencies in order to cut costs. In addition, while efforts toward simplification and electronic filing of health care claims offer tremendous savings, they also pose particular opportunities for abuse. Thus, it is crucial that any such system be designed with safeguards built in to detect and deter fraud and abuse.

FINDINGS OF INVESTIGATION

Deficiencies in the current system expose billions of health care dollars to fraud and abuse

A. Current Criminal and Civil Statutes Are Inadequate to Effectively Sanction and Deter Hearth Care Fraud:

Federal prosecutors now use traditional fraud statutes, such as the mail and wire fraud statutes, the False Claims Act, false statement statutes, and money laundering statute to persecute health care fraud. Our investigation found that the lack of a specific federal health care fraud criminal statute, inadequate tools available to prosecutors, and weak sanctions have significantly hampered law enforcement's efforts to combat health care fraud. Inordinate time and resources are lost in pursuing these cases under indirect federal statutes. Often, even when law enforcement shuts down a fraudulent scheme, the same players resurface and continue their fraud in another part of the health care system.

This cumbersome federal response to health care fraud has resulted in a system whereby the mouse has outsmarted the mousetrap. Those defrauding the system are ingenious and motivated, while the government and private sector responses to these perpetrators have not kept pace with the sophistication and extent of those they must pursue.

B. The Fragmentation of Health Care Fraud Enforcement Allows Fraud to Flourish:

Despite the multiplicity of Federal, State and local law enforcement agencies, and private health insurers and health plans involved in the investigation and prosecution of health care fraud, these enforcement efforts are inadequately coordinated, allowing health care fraud to permeate the system. While some strides have been made in coordinating law enforcement efforts, immediate steps must be taken to streamline and toughen our response to health care fraud.

RECOMMENDATIONS

Based on our investigation and findings, we recommend the following to reduce fraud and abuse throughout the health care system:

1. Establish an all-payer fraud and abuse program to coordinate the functions of the Attorney General, Department of Health and Human Services, and other organizations, to prevent, detect, and control fraud and abuse; to coordinate investigations; and to share data and resources with Federal, State, and local law enforcement and health plans.

2. Establish an all-payer fraud and abuse trust fund to finance enforcement efforts. Fines, penalties, assessments, and forfeitures collected from health care fraud offenders would be deposited in this fund, which would in turn be used to fund additional investigations, audits, and prosecutions.

3. Toughen federal criminal laws and enforcement tools for intentional health care fraud.

4. Improve the anti-kickback statute and extend prohibitions of Medicare and Medicaid to private payers.

5. Provide a greater range of enforcement remedies to private sector health plans, such as civil penalties.

6. Establish a national health care fraud data base which includes information on final adverse actions taken against health care providers. Such a data base should contain strong safeguards in order to ensure the confidentiality and accuracy of the information data contained in the data base.

7. Design a simplified, uniform claims form for reimbursement and an electronic billing system, with tough anti-fraud controls incorporated into these designs.

8. Take several steps to better protect Medicare from fraudulent and abusive provider billing practices and excessive payments by Medicare. Specifically:

Revise and strengthen national standards that suppliers and other providers must meet in order to obtain or renew a Medicare provider number;

Prohibit Medicare from issuing more than one provider billing number to an individual or entity (except in specified circumstances), in order to prevent providers from ''jumping'' from one billing number to another in order to double-bill or avoid detection by auditors;

Require Medicare to establish more uniform national coverage and utilization policies for what is reimbursed under Medicare, so that providers cannot ''forum shop'' in order to seek out the Medicare carrier who will pay a higher reimbursement rate;

Require the Health Care Financing Administration to review and revise its billing codes for supplies, equipment and services in order to guard against egregious overpayments for inferior quality items or services; and

As we revise the health care system, give guidance to health care providers on how to do business properly and how to avoid fraud.

Adoption of these recommendations will go far in shoring up our defenses against unscrupulous providers, patients, and suppliers who are bleeding billions of dollars from our health care system through fraud and abuse. Since Medicare and Medicaid lose as much as $31 billion annually to fraud and abuse, the savings from reducing fraud in these programs would go far toward paying for much needed reforms in our health care system, such as providing access to health care coverage for the uninsured, prescription drug benefits for the elderly, or long-term care for the elderly and individuals with disabilities.

We must not wait to fix these serious problems in the health care system until we see what form health care reform takes. We are losing as much as $275 million each day to health care fraud, and effective steps can be taken within the current system to curb this abuse. With billions of dollars and millions of lives at stake, we can no longer afford to wait.

SECTION-BY-SECTION ANALYSIS

The Cohen legislation establishes an improved coordinated federal effort to combat fraud and abuse in our health care system. It expands certain existing criminal and civil penalties for health care fraud to provide a stronger deterrent to the billing of fraudulent claims and to eliminate waste in our health care system resulting from such practices.

Section 101. a. All-Payer Fraud and Abuse Control Program: The Secretary of Health and Human Services and the Attorney General are required to jointly establish and coordinate an all-payer national health care fraud control program to restrict fraud and abuse in private and public health programs. The Secretary and Attorney General (through its Inspectors General and the Federal Bureau of Investigation) would be authorized to conduct investigations, audits, evaluations and inspections relating to the delivery and payment for health care and would be required to arrange for the sharing of data with representatives of health plans.

b. Health Care Fraud and Abuse Control Account: To supplement regularly appropriated funds, a special account would be established to fund the all-payer program, managed by the Secretary and Attorney General. All criminal fines, penalties, and civil monetary penalties imposed for violations of fraud and abuse provisions of this

legislation would be deposited into the account and used for carrying out the proposed requirements.

Section 102. Application of Certain Federal Health Anti-Fraud and Abuse Sanctions to All Fraud and Abuse Against Any Health Plan: The provisions under the Medicare and Medicaid program, which provide for criminal penalties for specified fraud and abuse violations, would apply and be extended in certain circumstances to similar violations for all payers in the health care system. The violations would include willful submission of false information or claims. Penalties would include fines and possible imprisonment. The Secretary could also consider community service opportunities.

Section 103. Health Care Fraud and Abuse Guidance: Provides mechanisms for further guidance to health care providers on the scope and applicability of the anti-fraud statutes in order to better comply with these statutes. The further guidance would be provided by the modifications of existing safe harbors and the promulgation of new safe harbors; interpretive rulings providing the HHS' Inspector General's interpretation of anti-fraud statutes; and special fraud alerts setting activities that the Inspector General considers suspect under the anti-fraud statutes.

Section 104. Reporting of Fraudulent Actions Under Medicare: The Secretary is required to establish a program through which Medicare beneficiaries may report instances of suspected fraudulent actions on a confidential basis.

Section 201. Mandatory Exclusion from Participation in Medicare and State Health Care Programs: The Secretary currently has authority to exclude individuals and entities from Medicare and Medicaid based on convictions or program-related crimes relating to patient abuse or neglect. This section would extend the Secretary's authority to felony convictions relating to fraud and felony convictions relating to controlled substances. Currently, the Secretary is permitted, but not required, to exclude those convicted of such an offense. Adoption of this proposal would better recognize the seriousness of such offenses and ensure that beneficiaries are well protected from dealing with such individuals.

Section 202. Establishment of Minimum Period of Exclusion for Certain Individuals and Entities Subject to Permissive Exclusion from Medicare and State Health Care Programs: Mandatory exclusions contain a minimum period of exclusion for five years. This section establishes a minimum period of exclusion expressly determined in statute for certain permissive exclusions, such as three years for specific convictions.

Section 203. Permissive Exclusion of Individuals with Ownership or Control Interest in Sanctioned Entities: Some of the current permissive exclusions are ''derivative'' exclusions—that is they are based on an action previously taken by a court, licensure board, or other agency. Current law allows permissive exclusion authority for entities when a convicted individual has ownership, control or agency relationship with such entity. However, if an entity rather than an individual is convicted under Medicare fraud, the IG has no authority to exclude the individuals who own or control the entity and who may really have been behind the fraud.

This creates a loophole whereby an individual who is indicated for fraud along with a corporation owned by his can avoid being excluded from the programs by persuading the prosecutor to dismiss his indictment in exchange for agreeing to have the corporation plead guilty or pay fines. The bill would extend the current permissive exclusion authority for entities controlled by a sanctioned individual to individuals with control interest in sanctioned entities.

Section 205. Intermediate Sanctions for Medicare Health Maintenance Organizations: The Secretary would be able to impose civil monetary penalties on Medicare-qualified HMOs for violations of Medicare contracting requirements.

Section 301. Establishment of the Health Care Fraud and Abuse Data Collection Program: The Secretary would create a comprehensive national data collection program for the reporting of information about final adverse actions against health care providers, suppliers, or licensed practitioners including criminal convictions, exclusions from participation in Federal and State programs, civil monetary penalties and license revocations and suspensions.

Section 401. Civil Monetary Penalties: The provisions under Medicare and Medicaid which provide for civil monetary penalties for specified violations apply to similar violations in certain circumstances for all payers in the health care system. The violations would include billing for services not provided or submitting fraudulent claims for payment.

The provisions would also clarify that repeatedly claiming a higher code, or repeatedly billing for medically unnecessary services, for purposes of reimbursement is prohibited and subject to civil monetary penalties. The intent of this provision is to impose sanctions for patterns of prohibited conduct.

An intermediate civil monetary penalty would also be established for criminal anti-kickback violations.

One abusive technique now used by some Medicare providers is to waive the patient's copayment for services covered by Medicare. The concern is that routine waivers of copayments result in unnecessary procedures and overutilization (because the beneficiary has no financial stake in the decision to order a medical item or service). The provision would clarify that the routine waiver of Medicare Part B copayments and deductibles would be prohibited and subject to civil monetary penalties although exceptions are provided.

In addition, retention by an excluded individual of an ownership or control interest of an entity who is participating in Medicare or Medicaid would be prohibited and subject to civil monetary penalties.

Finally, the amount of civil monetary penalty that can be assessed is increased from $2,000 to $10,000.

Section 501. Health Care Fraud: Establishes a new health care fraud statute in the criminal code. Provides a penalty of up to 10 years in prison, or fines, or both for knowingly executing a scheme to defraud a health plan in connection with the delivery of health care benefits, as well as for obtaining money or property under false pretenses from a health plan. This section is patterned after existing mail and wire fraud statutes.

Section 502. Forfeitures for Federal Health Care Offenses: Requires the court, in imposing sentence on a person convicted of a Federal health care offense, to order the forfeiture to the United States of property used in commission of an offense if it results in a loss or gain of $50,000 or more and constitutes or is derived from proceeds traceable to the commission of the offense.

Section 503. Injunctive Relief Relating to Federal Health Care Offenses: This provision expands the scope of the current injunctive relief section by adding the commission of a health care offense. This provision allows the Attorney General to commence a civil action to enjoin such violation as well as to freeze assets.

Section 504. Grand Jury Disclosure: This provision allows the disclosure of grand jury information to federal prosecutors to use in a civil proceeding relating to health care fraud.

Section 505. False Statements: Provides penalties for making false statements relating to health care matters.

Section 506. Voluntary Disclosure Program: Creates a program of voluntary disclosure to the Attorney General and Secretary to provide an incentive for disclosure of violations and wrongdoing.

Section 507. Obstruction of Criminal Investigations: Provides a penalty for the obstruction of criminal investigations of federal health care offenses.

Section 508. Theft or Embezzlement: Establishes a statute that provides penalties for the willful embezzlement or theft from a health care benefit program.

Section 509. Laundering of Monetary Instruments: Provides that a federal health care offense is a predicate to current money laundering statutes.

Sections 601–604: Payments for State Health Care Fraud Control Units: Provides language to establish state health care provider fraud control units modeled on the current state Medicaid Fraud Control Units. The jurisdiction of these units would be expanded to include investigation and prosecution of provider fraud in other federally-funded or mandated programs. The proposal also allows the states to choose whether to conduct investigations and prosecutions for patient abuse related crimes occurring in board and care facilities and other alternative residential settings.

The HHS' Inspector General would continue oversight and the state units would detail its activities in its yearly grant applications. This section also contains a recitation of the units' original authorization language as currently contained in the Social Security Act, and also allows the units to participate in the all-payer fraud abuse control program.

Mr. DOLE. Mr. President, I want to take a few moments to express my support for the Health Care Fraud Prevention Act of 1995, which was introduced earlier today by my distinguished colleague from Maine, Senator COHEN.

As Senator COHEN has pointed out, health care fraud and abuse costs the American taxpayers literally billions and billions of hard-earned dollars each year. Unscrupulous doctors who overbill patients, medical suppliers who sell unnecessary or defective equipment to unsuspecting customers, clinic operators who submit false Medicaid reimbursement claims—all these scams have the effect of driving up the cost of health care for families and businesses alike.

To combat these activities, the act establishes a new health care fraud statute in title 18 of the United States Code. This statute provides for an array of penalties, including imprisonment and fines, for those who knowingly scheme to defraud a health care plan. This statute is patterned after the existing mail and wire fraud statutes.

The act also gives the Secretary of HHS greater authority to exclude health care scam artists from the Medicaid and Medicare programs, while establishing tough civil penalties for fraud so that a range of sanctions will be available.

In addition, the act directs the Attorney General and the Secretary of Health and Human Services to establish an all-payer national health care fraud control program. Under this program, both the Secretary and the Attorney General would be authorized to conduct investigations and audits of health care delivery systems. To pay for these investigations, the act establishes a ''Health care fraud and abuse control account.'' Criminal and civil fines imposed on violators would be deposited into the account and then used to finance future law enforcement efforts.

Of course, the vast majority of health care providers are good people committed to the well-being of their patients. Their hard work and commitment should not be tarnished in any way by those few bad apples who attempt to game the health care system for their own personal benefit. This legislation won't put an end to the health care fraud racket, but it will help to ensure that our law enforcement authorities have the tools to get the job done.

Not surprisingly, the Health Care Fraud Prevention Act was crafted with the help of law enforcement officials, including officials at both the FBI and the Department of Justice.

Finally, I want to commend my distinguished colleague from Maine for bringing this important issue to the attention of the Senate. Today's legislation is the product of a 2-year ongoing investigation conducted by the staff of the Special Committee on Aging. And last year, Senator COHEN successfully offered many of the provisions contained in this bill as an amendment to the 1994 Crime-Control Act. Unfortunately, the amendment was dropped in conference.

To his credit, Senator COHEN has continued to speak out on this issue, and I fully expect that his persistence will pay off later this year when the Senate has an opportunity to consider this important legislation.

Mr. DORGAN. Mr. President, let me say as I begin, to my friend from Maine, the work he has done on this issue in Medicare fraud is extraordinary work. During the period between the end of the last session and the beginning of this session, I saw some newspaper reports about Medicare fraud. I bothered to once again review the work he did in the last session, the bill he introduced in the last session on this issue. I hope we make progress on this issue that he is leading on, in this session of the Senate, because I think what he is doing is very important. There is too much fraud. The fact is, we are not detecting enough of it and not prosecuting enough of it vigorously, so I support his efforts and thank him for making those efforts.

Mr. PRYOR. Mr. President, I rise to support S. 245, the Health Care Fraud Prevention Act of 1995. Health care fraud and abuse in our health care system is draining billions of dollars a year from American families, businesses, and government. The Department of Justice and other experts have estimated that as much as 10 percent of our national health care bill is lost to fraud and abuse. Every dollar stolen from the health care system—be it from Medicare, Medicaid, or a private health care plan—means one less dollar for patient care or for lower insurance premiums. With health care costs still escalating, the last thing we need to be doing is allowing criminals to steal from the system.

Fraud also tarnishes the good names of honest health care professionals and companies. While the vast majority of providers are honest and hard working, the crooks cast a cloud over the entire health care system.

Mr. President, there are too many examples of fraud in our health care system. For example, seven New York physicians were recently excluded from the New York Medicaid program for their part in a scheme that stole over $8 million from the program. As part of this Medicaid fraud scheme, indigent individuals with no legitimate medical need for prescription drugs would enter the doctors' clinics and obtain prescriptions for expensive drugs. They, in turn, would resell the prescriptions to people on the street. In exchange for the prescriptions, the ''patients'' would subject themselves to unnecessary medical tests and procedures for which Medicaid could then be fraudulently billed.

In other cases, it is not so clear that there has been fraud, but rather that a health care plan has been taken advantage of. As an example, I received a letter from a constituent of mine, Jennie H., not too long ago. Jennie wrote that Medicare had paid a medical supplier $2,136 for 300 adult incontinence pads that were delivered to her mother. That works out to almost $7.12 for each pad, far more than what they would cost at the drug store.

Much studying has been on the health care fraud problem in recent years. In addition to the report issued last year by my friend from Maine, Senator COHEN, the incoming chairman of the Senate Special Committee on Aging, reports by the General Accounting Office, the HHS inspector general, and congressional committees have also documented the extent and range of the problem. They have detailed abuses ranging from the billing of services never provided to the illegal sale of controlled substances.

This is a subject about which I too have long been concerned. When I was chairman of the Senate Special Committee on Aging, I held several hearings on fraud and abuse in the health care system. In addition, the health care bill reported out of the Finance Committee last year included an antifraud provision that I helped develop.

Mr. President, now is the time to take action against health care fraud. While I would have preferred to see the health care fraud problem addressed as part of health care reform, it is clear that we cannot wait for that to happen. Each day we wait to give crime fighters the authority and tools they need to combat fraud in a coordinated and effective manner means millions of wasted health care dollars.

The bill which I have joined Senator COHEN in sponsoring today represents a balanced, bipartisan approach to combating health care fraud and takes the best provisions common to the bills debated last year, such as the President's proposal. It establishes an improved, coordinated effort to combat fraud and abuse. It expands certain existing criminal and civil penalties for health care fraud to provide a stronger deterrent to the billing of fraudulent claims and to eliminate waste in our health care system. I encourage my colleagues to support this legislation.

By Mr. LIEBERMAN:

S. 246. A bill to establish demonstration projects to expand innovations in State administration of the aid to families with dependent children under title IV of the Social Security Act, and for other purposes; to the Committee on Finance.

THE WELFARE REFORMS THAT WORK ACT

Mr. LIEBERMAN. Mr. President, today I am introducing the Welfare Reforms That Work Act of 1995. The welfare system is in crisis. The United States has one of the most expensive welfare systems in the world. But 20 percent of America's children are poor, a higher percentage than any other industrialized country. The welfare system is a disaster for those who are on it and those who pay for it.

This Congress has a historic opportunity to begin to fix this disaster. The primary welfare program—Aid to Families With Dependent Children [AFDC]—is viewed by those participating in it and those paying for it as a failure. It is failing at its primary task, moving people into the work force. Worse yet, it is contributing to the cycle of poverty. By rewarding single parents who don't work, don't marry, and have additional children out of wedlock, the current system demeans our most cherished values and deepens society's most serious problems. Democrats, Republicans, and the American public agree that the system must be changed.

But little consensus exists on how best to reform the system so that it promotes work and family. Last year both President Clinton and Republicans in Congress proposed legislation that would impose time limits and work requirements on welfare recipients and would begin to turn welfare incentives around. But in this Congress some have gone further. The Republican Contract With America proposes, among other things, ending benefits abruptly for teenage mothers who have children out of wedlock. More recently some Members have advocated giving the States total control of AFDC and other Federal welfare programs, ending

the entitlement status of these programs, and capping Federal outlays.

While I believe that each of these ideas should be tested to see if they will produce better results than the current failed welfare system, I cannot support mandating any of them nationally because no one knows whether they will work. If Congress imposes them nationally and they do not work, millions of children's lives will be put at risk.

While I am pleased to see that my colleagues are advocating State flexibility, I am concerned about their blank-check approach. I agree that States should be the testing ground for bold programmatic changes. But handing the AFDC Program over to the States with no strings attached does not guarantee reform and may produce national division and welfare shopping. And, placing caps on block grants works against State flexibility by limiting State experiments to those that save money in the short term but may do nothing to promote work and reconstruct families in the long term. The American people are asking us to reform, not eliminate, the way we are carrying out our responsibility to help poor children.

Mr. President, today I am proposing an alternative welfare reform approach that I hope will meet our welfare reform goals in a way that is acceptable to both sides of the aisle—the Welfare Reforms That Work Act. The bill would allow States to test—with appropriate Federal oversight—bold welfare reform initiatives that are promising but unproven, and that involve some human or financial risk. It would also establish a process for identifying successful reform approaches—welfare reforms that work—that can be applied nationally. The bill does not preclude our mandating immediately those reforms about which there is growing agreement—such as requiring unwed teenage mothers to live at home as a condition of receiving welfare payments—and which involve limited human risk or Federal expense.

States should be at the forefront of reform for three reasons. First, a State-based approach is financially prudent. Some reforms that merit testing—including imposing time limits and work requirements or expanding residential child care options, including orphanages—will cost money in the short term. In an article in the New Republic, Paul Offner of the Senate Finance Committee staff advises us to learn an important lesson from the 1988 Family Support Act: overly ambitious and underfunded reform efforts are doomed to failure. They do little to change the expectations of those working in the system or those using it. My bill would allow States to fund ambitious changes at the more affordable city, county, or State level.

Second, a State-driven approach allows us to test bold changes responsibly. We have few proposed reforms that we know will work, and those that have been tested, such as the model education and training programs launched in California and Florida, have delivered only marginal results to date. In a recent Wall Street Journal James Q. Wilson bluntly confessed that he simply does not know what reforms will work.

Absent better information, we would be wise to heed the advice of proverbs and avoid zealous acts without knowledge. Changes to welfare are consequential. They affect people's lives, children's lives. Under my bill States could test bold welfare rules changes—such as totally denying benefits to teenage mothers or establish orphanages—but only if the States can ensure that children are not unintended victims of these tests. As we try to change the behavior of parents, we must not cause more pain to the children.

Third, States are eager and able to lead our reform efforts. In testimony last year before the Senate Finance Committee's Subcommittee on Social Security and Family Policy, the American Public Welfare Association [APWA] and other State organizations indicated their strong desire to pursue innovative strategies. When I introduced S. 1932, a similar State-based welfare reform bill last year, all 11 States that commented on the bill praised the bill's general approach.

States are already leading the way. Over half the States have proposed reforms and received waivers from Federal rules under section 1115 of the Social Security Act to implement their proposed changes. My own State of Connecticut recently received a waiver to implement a comprehensive reform initiative.

But the waiver process does not go far enough. In testimony before the House Committee on Government Operations last September, the APWA, State welfare administrators, and other witnesses testified that the budget neutrality requirement of the current process creates a substantial barrier to reform. As States seek to promote work and family through changing eligibility rules, it give States an incentive to test sticks but not carrots. Witnesses at the hearing urged that the Federal Government share in the cost of demonstrations programs, make the results of demonstrations readily available, and tallow States to adopt, without a waiver, those demonstrations that prove effective. In other words, we must be honest and acknowledge that we may have to spend a little more money in the short run to save a lot more money and a lot more lives in the long run.

My bill addresses these and other concerns voiced by States about the current waiver process. To ensure that States will be able to test the broadest array of reforms, my bill authorizes $675 million over 5 years to support demonstration projects and independent program evaluations. Half of these funds would support innovative pilot programs specified in the bill, and the remaining half would fund other State-proposed demonstrations. Demonstration projects would last up to 5 years. States would report on progress annually. As results of interim and final reports on State tests become available, the Secretary of the Department of Health and Human Services [HHS] will submit legislation to Congress to provide for the national implementation of successful programs. As a result of this process, those innovations that proved successful could be rapidly adopted by other States or imposed nationwide.

The bill promotes State-initiated welfare reforms that meet what I believe should be our four main reform goals: moving welfare recipients into the work force; strengthening families, stopping illegitimate births and breaking the cycle of welfare dependency; increasing child support collection and paternal responsibility, and improving the delivery of welfare services.

TITLE I AUTHORIZES INITIATIVES TO MOVE WELFARE RECIPIENTS INTO THE WORK FORCE

We must make returning to work the primary focus of the welfare system. The current system demands little of people on welfare. It often impedes, rather than empowers, those who seek to return to the work force. If an AFDC mother goes back to work, her income increases only minimally—often not enough to cover child care—and she loses her Medicaid benefits. She is likely to be economically worse off if she returns to the work force, so she stays on welfare.

Title I includes initiatives to move people on welfare into the work force. Two pilot programs focus on teenage parents—those at greatest risk for long-term welfare dependency. The first allows States to condition AFDC benefits for single parents under 20 years of age on: first, attending school, participating in job training or holding a job; and second, living at home. The second allows States to include young AFDC clients in the Job Corps—a successful, residential antipoverty program for youths 16 to 22 years of age.

Title I also allows States to require 30 days of State-assisted job search or, where appropriate, substance abuse treatment, during the usual lag time between application for and receipt of benefits. Welfare clients should be engaged in job search from the day they first seek a welfare grant. Other provisions in this title assist people on welfare in accumulating assets to invest in education or to start a small business.

TITLE II AUTHORIZES INITIATIVES TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY

Current Federal welfare rules discourage family unification and encourage out-of-wedlock childbearing. This title seeks to turn these incentives around. It recognizes that while welfare is a privilege granted by Government, not a right for parents, the States and the Federal Government have a moral responsibility to ensure the well-being of American children.

The title seeks to address what is perhaps the most compelling and difficult challenge of welfare reform, to discourage out-of-wedlock births without harming children. An increasing percentage of those entering the welfare system are never-married mothers at greatest risk of long-term welfare dependency. Between 1983 and 1992, families headed by unwed mothers accounted for about four-fifths of the growth in people on welfare, and at least 40 percent of never-married mothers receiving AFDC remain in the system for 10 years or more.

Never-married teen parents are particularly likely to fall into long-term welfare dependency. More than one half of welfare spending goes to women who first gave birth as teens. As William Raspberry noted last winter in a Washington Post column aptly entitle ''Out of Wedlock, Out of Luck,'' children born to parents who had their first child out-of-wedlock before they finished high school and reached the age of 20 are ''almost guaranteed a life of poverty.'' In other words, they and their parents are almost guaranteed a life on welfare. Citing William A. Galston's analyses, Raspberry notes that a startling 79 percent of children in this category lived in poverty in 1992. In contrast, only 8 percent of children whose parents had achieved all three milestones—marriage, graduation, and the 20th birthday—before having their first child were living in poverty.

The potential effect of welfare on illegitimacy has taken center stage in the welfare reform debate but there is considerable disagreement about its effects. David Ellwood, economist and Department of Heath and Human Services official, has found little evidence that welfare contributes to the increase in illegitimacy. In his book, ''Poor Support,'' he points to several other concurrent social changes that are likely contributors to the increase—the growing percentage of women in the work force, the drop in earnings and rise in unemployment among young men, and changes in attitudes toward marriage.

Others interpret the data differently. Most notably, Charles Murray believes that welfare is the primary cause of the increase in illegitimate births. In a catalytic Wall Street Journal article published October 29, 1993, Murray argues that welfare has reduced the economic penalty associated with out-of-wedlock childbearing and, in turn, has reduced the social stigma associated with it. He concludes that the removal of both of these disincentives has led to more out-of-wedlock births. Based on this conclusion, Murray recommends the dramatic step of ending welfare altogether. Murray acknowledges that his approach may put this generation of children at risk and advocates, among other things, Government investment in new facilities to care for these children—thus the ensuing brouhaha about orphanages—just the kinds of facilities this act would enable states to create.

The stigma of illegitimacy was not just an accident of social history; it was a societal attempt to protect children. Today, the stigma is largely gone and so the children have suffered terribly. Raspberry's previously mentioned article cites polling results indicating that 70 percent of Americans aged 18 to 34 believe that people having children out of wedlock do not deserve any moral reproach. That is an outrageous result, one that we must turn around because the decision to bear a child has profound moral and human content. We must infuse our children with a clear understanding of the consequences of teenage childbearing. We must teach them that it is wrong to have children unless you are married, always morally wrong for the mother and father, and usually horrible for the child and the mother.

Few would argue that a national campaign to discourage unmarried teenagers from having children is not a good thing to do. Indeed, Senate Minority leader DASCHLE introduced a bill, S. 8, on the first day of this session to combat teen pregnancy. His bill, among other things, would require unwed mothers under age 18 to live at home or in an alternative adult-supervised living arrangement as a condition of receiving AFDC. This measure seems appropriate; it would eliminate the incentive teenagers now have to bear a child so they can move out of the house, and it imposes little risk to the children of teenagers who have a child anyway.

The more difficult question for those of us working on welfare reform is this: Should we pursue changes in welfare policy—such as cutting off benefits to teenage mothers—that may discourage out-of-wedlock births but would put children at risk? Some might say no, believing that there is little correlation between welfare and out-of-wedlock births. The empirical evidence is generally viewed as inconclusive. But some controlled studies have demonstrated a positive association between welfare payments and out-of-wedlock births, and my own conversations with teenage mothers bears this out.

If we choose to reduce or eliminate AFDC grants to deter childbearing, however, we should acknowledge that a portion of the current and potential welfare population—perhaps a small but significant portion—is unlikely to respond to stronger inducements and penalties and will continue to have children society must provide for. In a Los Angeles Times article published last January, Adela de la Torre, an economist at California State University at Long Beach, writes that the children of such parents ''become victims of trickle down welfare programs * * * if we deem the parent unfit for welfare support, the child, too, loses.'' De la Torre rejects the notion that building stronger parental inducements into the welfare system will change the behavior of all parents and calls instead for a more child-centered social service agenda that recognizes and serves the needs of children in a more direct, comprehensive, and integrated fashion. She makes an important point.

Similarly, Thomas Corbett of the University of Wisconsin asks in a spring, 1993 Focus article whether it is ''compassionate to throw a little bit of welfare into troubled families and do little else to aid the children?'' The answer is, of course, relative. AFDC reflects our best intentions toward these children, but it has more often failed them. Whether cash payments to unresponsive parents is the most compassionate approach, Corbett concludes, ''depends partly on how many children are involved and whether we can design and finance the technologies required to assist them.''

It is incumbent on us, as part of welfare reform, to explore the alternatives to a largely parent-based system, and find the answers to his question. Title II of the bill supports State efforts to do just that. Section 201 allows States to shift part or all of AFDC payments to block grants and combine the grants with other funds available under this bill to care for children, strengthen families, and implement other reforms. In contrast to the Republican block grant proposals, however, the provision requires the Secretary of HHS to ensure that States pursuing the Block Grant Program protect the well-being of affected children. Title II supports other demonstrations as well, including pilots that discourage welfare recipients from having additional children while on welfare by denying benefit increases for additional children and pilots to test innovative teen pregnancy prevention programs.

TITLE III OF THE BILL AUTHORIZES STATE INITIATIVES TO INCREASE CHILD SUPPORT COLLECTION AND PATERNAL RESPONSIBILITY

Too often absent parents, typically fathers, are not held accountable for their children's care. The Federal Government must also take the lead in improving child support enforcement. As a starting point, we should fully implement the recommendations of the U.S. Commission on Interstate Child Support. In the last Congress Senator BILL BRADLEY, a member of the Commission, introduced S. 689, the Interstate Child Support Enforcement Act, to implement the Commission's recommendations. My Connecticut colleague, Congresswoman KENNELLY, also a Commission member, introduced a similar bill, H.R. 1961, in the House. This year I will again support Senator BRADLEY's legislation which will, among other things: Mandate hospital-based paternity acknowledgement programs; require employers to submit W–4 forms for all new employees to State child support enforcement agencies; and provide States the authority they

need to assert jurisdiction over nonresident parents. The era of deadbeat dads should end.

While improving interstate coordination is critical to strengthening child support enforcement, State innovation should play a role as well. Title III of my bill authorizes State efforts to improve child support collection and paternity establishment. To strengthen welfare recipients incentives to work with authorities to collect child support, it would allow States to increase the child support disregard from $50 to a higher level decided by the State. States could also hold parents accountable for the child support obligations of their minor children. Additionally, States could propose their own demonstrations projects to increase paternity establishment and improve child support collection.

TITLE IV AUTHORIZES INITIATIVES TO DIVERSIFY AND IMPROVE THE PERFORMANCE OF WELFARE SERVICES

Changing the welfare system to move people back into the work force and to better serve the needs of children will require changing the way the welfare bureaucracy does business. Too many welfare workers focus on whether and how to get a welfare check to the recipient rather than how to get the recipient off of welfare and back to work. Many welfare offices don't know how many children they have in foster care. Many still operate out of cardboard files and lose people in the shuffle of paper. Offices often suffer from interagency rivalry and bureaucratic bickering. It is tragic when a child suffers needlessly because the system fails under the weight of its own inefficiency.

This need not happen. Some innovative States and municipalities have tried to make their welfare systems more efficient and service oriented. At a hearing I held in the last Congress, Carmen Nazario, the Secretary of Health and Human Services in Delaware, testified that her State has brought public and private social services together in a single location and is now developing a computer network to link programs.

David Truax from the Maryland Department of Human Resources described a second approach to improving services. Maryland now provides each participant with a debit card that has AFDC, food stamps, and general assistance benefits on it. Electronic benefit transfer [EBT] cards have several advantages: They preclude the trading of food stamps for drugs; they introduce people to the banking system; they make it easier for them to budget their money since they don't have to cash one single check, and they reduce recipients vulnerability to crime.

Further, offices should encourage and empower, not discourage and demean, those they serve. It can be done. America Works, a private organization that trains people on welfare for work and places them in jobs, provides proof. During my visit to their Hartford, CT, office I found that clients felt they were getting the help they needed to succeed, and were motivated and optimistic. I asked one young woman who had just completed her training if she expected to be placed successfully in a job. She responded with enthusiasm, ''absolutely.'' This spirit does not typically pervade traditional welfare offices.

Most important, welfare offices should be held accountable for results. They need to make the shift from writing checks to moving people on welfare into jobs. To promote this change, we should seek to establish competition among agencies and greater choice for people on welfare. We should encourage public agencies to contract with effective private sector companies and to better reward those public employees who successfully help people become self-sufficient.

Title IV supports initiatives to diversify and improve the performance of welfare services. It supports State pilots to provide incentives to private sector, for-profit and nonprofit groups to place people on welfare in private sector jobs. Companies would keep a portion of welfare savings as payment for successful job placements. Title IV also supports State pilots to improve the performance of welfare office employees through, for example, providing direct bonuses to employees and judging their performance based on their clients' progress toward self-sufficiency.

In addition, title IV incorporates legislation I introduced earlier this month with Senators DOMENICI, FEINSTEIN, PRESSLER, and HATFIELD to remove a Federal barrier to improving services. That bill, S. 131, the Electronic Benefits Regulatory Relief Act of 1995, exempts EBT cards from the Federal Reserve Board's regulation E. Regulation E limits cardholder liability to $50 for lost or stolen cards—a policy that promotes fraud and makes EBT Programs costly for States. Earlier this month the Vice President issued the first report from the EBT task force and called for nationwide implementation. Without passage of this provision, that goal will not be reached.

FINALLY, TITLE V AUTHORIZES OFFSETTING EXPENDITURE REDUCTIONS TO ENSURE THE BILL IS BUDGET NEUTRAL

In other words, the bills pay for itself. Specifically, it eliminates the three-entity rule. Currently, an individual farmer can qualify for up to $125,000 per year in certain Government subsidies. If he forms two other business entities with two other individuals (say, a friend and a sister), each of these entities can qualify for another $125,000 per year. So the individual farmer can receive up to $250,000 in subsidies per year—$125,000 for his first business entity, and half of $125,000 for each of his second and third entities. My bill says, ''enough is enough,'' and caps the amount of agricultural subsidies any one person gets from the Federal Government at $125,000. A preliminary Congressional Budget Office estimate indicates this change will save $675 million over 5 years, money that is better spent on the truly needy.

Americans continue to show concern for the poor, and particularly poor children. A 1994 poll commissioned by the Children's Defense Fund and others found that 64 percent of Americans believe we should spend more on poor children. But the same poll found that 55 percent think we spend too much on welfare, and 68 percent think we should not increase payments to parents for any additional children they have while on welfare.

Our current approach to helping the poor is clearly not working. The goal of welfare reform is to shake up the status quo which promotes dependency, illegitimacy, and social disfunctions like crime into a system that promotes work, family, and responsibility and protects children from a life of poverty. The Federal Government does not have a ready formula for how to achieve this goal. I concur with my colleagues who say that we should look to the States for answers. But we must proceed in a way that meets our obligation to ensure the well-being of all of America's children. Our aim should be to make sure that this generation of welfare children do not become the next generation of welfare parents. This bill offers an approach to do just that.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Welfare Reforms That Work Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. PURPOSE.

The purposes of this Act are—

(1) to promote bold State initiated welfare reforms that will—

(A) move welfare recipients into the work force,

(B) strengthen families,

(C) break the cycle of welfare dependence,

(D) increase child support collection and paternal responsibility, and

(E) improve the delivery of welfare services; and

(2) to make immediate State-by-State changes to the existing system while establishing a process for identifying successful reform approaches that can be applied nationally.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) AID TO FAMILIES WITH DEPENDENT CHILDREN.—The term ''aid to families with dependent children'' has the meaning given to such term by section 406(b) of the Social Security Act (42 U.S.C. 606(b)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 4. GENERAL PROVISIONS RELATING TO DEMONSTRATION PROJECTS.

(a) APPLICATIONS.—

(1) IN GENERAL.—Each State desiring to conduct a demonstration project under this Act shall prepare and submit to the Secretary an application in such manner and containing such information as the Secretary may require. The Secretary shall actively encourage States to submit such applications.

(2) APPROVAL.—The Secretary shall consider all applications received from States desiring to conduct demonstration projects under this Act and shall approve such applications in a number of States to be determined by the Secretary, taking into account the overall funding levels available under section 5.

(3) CONSIDERATION OF RESEARCH NEEDS AND PURPOSES.—The Secretary shall pursue a broad range of reforms consistent with the purposes of this Act and with research needs in approving demonstration projects under this Act.

(b) DURATION.—A demonstration project under this Act shall be conducted for not more than 5 years plus an additional time period of up to 12 months for final evaluation and reporting. The Secretary may terminate a project if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this Act.

(c) EVALUATION PLAN.—

(1) IN GENERAL.—Each State conducting a demonstration project under this Act shall submit an evaluation plan (meeting the standards developed by the Secretary under paragraph (2)) to the Secretary not later than 90 days after the State is notified of the Secretary's approval for such project. A State shall not receive any Federal funds for the operation of the demonstration project or be granted any waivers of the Social Security Act necessary for operation of the demonstration project until the Secretary approves such evaluation plan.

(2) STANDARDS.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall develop standards for the evaluation plan required under paragraph (1) which shall include the requirement that an independent expert entity provide an evaluation of each demonstration project to be included in the State's annual and final reports to the Secretary under subsection (d)(1).

(d) REPORTS.—

(1) STATE.—A State that conducts a demonstration project under this Act shall prepare and submit to the Secretary annual and final reports in accordance with the State's evaluation plan under subsection (c)(1) for such demonstration project.

(2) SECRETARY.—The Secretary shall prepare and submit to the Congress annual reports concerning each demonstration project under this Act.

(e) LEGISLATIVE PROPOSAL.—

(1) EVALUATIONS.—

(A) IN GENERAL.—On each of the dates described in subparagraph (B), the Secretary shall evaluate the demonstration projects based on the reports received from each State under subsection (d)(1) and if the Secretary determines that any of the reforms in the demonstration projects will be effective in achieving the purposes of this Act, the Secretary shall submit proposed legislation to the Congress to—

(i) implement such successful reforms nationally if appropriate, or

(ii) give States the option of adopting a successful reform in a State plan approved under section 402 of the Social Security Act (42 U.S.C. 602) where the reform may be effective in some States but not in others.

The proposed legislation shall take into account factors important to implementing local demonstration projects on a national scale, including variation in population density and poverty.

(B) DATES FOR EVALUATION AND SUBMISSION.—A date is described in this subparagraph, if it is a date that is—

(i) 2 years after the date of the enactment of this Act,

(ii) 4 years after the date of the enactment of this Act, or

(iii) not later than 6 months after the date the Secretary receives the last final report due under subsection (d)(1) with respect to a demonstration project.

(2) OTHER LEGISLATIVE SUBMISSIONS.—At any time other than a date described in paragraph (1)(B), if the Secretary determines that a reform in a demonstration project is ready to be implemented on a national scale or to be made a State option, the Secretary may submit proposed legislation to the Congress to implement the reform.

(f) CLEARINGHOUSE.—The Secretary shall establish and maintain a clearinghouse to collect and disseminate to State officials and the public current information on approved demonstration projects, and on interim and final reports submitted under subsection (d)(1) with respect to demonstration projects. To the extent practicable, clearinghouse information shall be made available through electronic format.

(g) PROVISIONS SUBJECT TO WAIVER.—The Secretary may waive such requirements of title IV of the Social Security Act (42 U.S.C. 601 et seq.) as the Secretary determines to be necessary to carry out the purposes of the demonstration projects established under this Act.

(h) EXPENDITURES OTHERWISE INCLUDED UNDER THE STATE PLAN.—The costs of a demonstration project under this Act which would not otherwise be included as expenditures under the applicable State plan under title IV of the Social Security Act (42 U.S.C. 601 et seq.) shall to the extent and for the period prescribed by the Secretary, be regarded as expenditures under the applicable State plan under such title, or for administration of such State plan or plans, as may be appropriate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated $150,000,000 for each of fiscal years 1996 and 1997, and $125,000,000 for each of fiscal years 1998, 1999, and 2000 to carry out the provisions of sections 4(c), 4(d), 101, 103, 105(b), 105(c), 105(d), 107, 201, 202, 203, 204, 205, 206, 207, 301, and 302.

(b) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to subsection (a), the Secretary shall obligate—

(1) 50 percent of such amount to—

(A) offset any increase in the amount of the Federal share resulting from any demonstration project established under a section described in subsection (a) (other than demonstration projects established under sections 107 and 207 of this Act); and

(B) to the extent such amount remains after any such offset—

(i) increase the otherwise applicable Federal share rate under a State plan under title IV of the Social Security Act (42 U.S.C. 601 et seq.) for such demonstration projects; and

(ii) increase the amount of a State's block grant under the demonstration project under section 201 of this Act; and

(2) 50 percent of such amount to—

(A) offset any increase in the amount of the Federal share resulting from any demonstration project established under sections 107 and 207 of this Act; and

(B) to the extent such amount remains after any such offset increase the otherwise applicable Federal share rate under a State plan under title IV of the Social Security

Act (42 U.S.C. 601 et seq.) for such demonstration projects.

(c) RESERVATION OF CERTAIN AMOUNTS UNTIL FINAL REPORT SUBMITTED.—The Secretary shall reserve 10 percent of any amounts obligated to a State for a demonstration project under subsection (b), and shall not pay such reserved amounts until such State has submitted a final report on such demonstration project.

TITLE I—INITIATIVES TO MOVE WELFARE RECIPIENTS INTO THE WORK FORCE

SEC. 101. DEMONSTRATION PROJECTS WHICH CONDITION AFDC BENEFITS FOR CERTAIN INDIVIDUALS ON SCHOOL ATTENDANCE OR JOB TRAINING, LIMIT THE TIME PERIOD FOR RECEIPT OF SUCH BENEFITS, AND REQUIRE TEENAGE PARENTS TO LIVE AT HOME.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State conducting a demonstration project under this section shall provide that—

(A) a family described in paragraph (3) shall not receive aid to families with dependent children—

(i) unless the individual described in paragraph (3)(A) is, for a minimum of 35 hours a week—

(I) attending school,

(II) studying for a general equivalency diploma, or

(III) participating in a job, job training, or job placement program; and

(ii) except in the case of a situation described in clause (i) through (v) of section 402(a)(43)(B) of the Social Security Act (42 U.S.C. 602(a)(43)(B))—

(I) such individual is residing in a place of residence maintained by a parent, legal guardian, or other adult relative of such individual as such parent's, guardian's, or adult relative's own home, or residing in a foster home, maternity home, or other adult-supervised supportive living arrangement, and

(II) such aid (where possible) shall be provided to the individual's parent, legal guardian, or other adult relative on behalf of such individual and the individual's dependent child; and

(B) such family shall be entitled to receive such aid for a time period determined appropriate by the State which shall, at a minimum, permit such individual to complete the activities described in subparagraph (A)(i).

(2) LIMITATION.—A State conducting a demonstration project under this section shall not apply the provisions of paragraph (1) to a family unless—

(A) the State has made adequate child care available to such family;

(B) the State has paid all tuition and fees applicable to the activities described in paragraph (1)(A); and

(C) such application does not endanger the welfare and safety of a dependent child who is a member of such family.

(3) FAMILY DESCRIBED.—A family described in this paragraph is a family which—

(A) includes a parent under 20 years of age;

(B) includes at least 1 dependent child of such parent; and

(C) does not include a child under 6 months of age.

SEC. 102. PILOT JOB CORPS PROGRAM FOR RECIPIENTS OF AID TO FAMILIES WITH DEPENDENT CHILDREN.

Section 433 of the Job Training Partnership Act (29 U.S.C. 1703) is amended by adding at the end the following new subsection:

''(f)(1) The Secretary may enter into appropriate agreements with agencies as described in section 427(a)(1) for the development of pilot projects to provide services at Job Corps centers to eligible individuals—

''(A) who are eligible youth described in section 423;

''(B) whose families receive aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

''(C) who are mothers of children who have not reached the age of compulsory school attendance in the State in which the children reside.

''(2) A Job Corps center serving the eligible individuals shall—

''(A) provide child care at or near the Job Corps center for the individuals;

''(B) provide the activities described in section 428 for the individuals; and

''(C) provide for the individuals, and require that each such individual participate in, activities through a parents as teachers program that—

''(i) establishes and operates parent education programs, including programs of developmental screening of the children of the eligible individuals;

''(ii) provides group meetings and home visits for the family of each such individual by parent educators who have had supervised experience in the care and education of children and have had training; and

''(iii) provides periodic screening, by such parent educators, of the educational, hearing, and visual development of the children of such individuals.

''(3) The Secretary shall prescribe specific standards and procedures under section 424 for the screening and selection of applicants to participate in pilot projects carried out under this subsection. In addition to the agencies described in the second sentence of such section, such standards and procedures may be implemented through arrangements with welfare agencies.

''(4) As used in this subsection:

''(A) The term 'developmental screening' means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development.

''(B) The term 'parent education' includes parent support activities, the provision of resource materials on child development and parent-child learning activities, private and group educational guidance, individual and group learning experiences for the eligible individual and child, and other activities that enable the eligible individual to improve learning in the home.''.

SEC. 103. DEMONSTRATION PROJECTS REQUIRING UP-FRONT 30-DAY ASSISTED JOB SEARCH, OR SUBSTANCE ABUSE TREATMENT BEFORE RECEIVING AFDC BENEFITS.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State conducting a demonstration project under this section shall require a parent or other relative of a dependent child to undergo 30 days of assisted job search or substance abuse treatment (or both) before the family may receive aid to families with dependent children as part of the application process for the receipt of such aid.

(2) LIMITATION.—A State conducting a demonstration project under this section shall not apply the provisions of paragraph (1) to a family unless—

(A) all of the dependent children in the family are over 6 months of age;

(B) the State has made adequate child care available to such family;

(C) the State has paid all fees applicable to the activities described in paragraph (1); and

(D) such application does not endanger the welfare and safety of a dependent child who is a member of such family.

SEC. 104. DISREGARD OF EDUCATION AND EMPLOYMENT TRAINING SAVINGS FOR AFDC ELIGIBILITY.

(a) DISREGARD AS RESOURCE.—Subparagraph (B) of section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended—

(1) by striking ''or'' before ''(iv)'', and

(2) by inserting '', or (v) except in the case of the family's initial determination of eligibility for aid to families with dependent children, any amount up to $10,000 in a qualified education and employment account (as defined in section 406(i)(1))'' before ''; and''.

(b) DISREGARD AS INCOME.—

(1) IN GENERAL.—Subparagraph (A) of section 402(a)(8) of such Act (42 U.S.C. 602(a)(8)) is amended—

(A) by striking ''and'' at the end of clause (vii), and

(B) by inserting after clause (viii) the following new clause:

''(ix) shall disregard any qualified distributions (as defined in section 406(i)(2)) made from any qualified education and employment account (as defined in section 406(i)(1)) while the family is receiving aid to families with dependent children; and''.

(2) NONRECURRING LUMP SUM EXEMPT FROM LUMP SUM RULE.—Section 402(a)(17) (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: ''; and that this paragraph shall not apply to earned and unearned income received in a month on a nonrecurring basis to the extent that such income is placed in a qualified education and employment account (as defined in section 406(i)(1)) the total amount which, after such placement, does not exceed $10,000.''.

(c) QUALIFIED EDUCATION AND EMPLOYMENT ACCOUNTS.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

''(i)(1) The term 'qualified education and employment account' means a mechanism established by the State (such as escrow accounts or education savings bonds) that allows savings from the earned income of a dependent child or parent of such child in a family receiving aid to families with dependent children to be used for qualified distributions.

''(2) The term 'qualified distributions' means distributions from a qualified education and employment account for expenses directly related to the attendance at an eligible postsecondary or secondary institution or directly related to improving the employability (as determined by the State) of a member of a family receiving aid to families with dependent children.

''(3) The term 'eligible postsecondary or secondary institution' means a postsecondary or secondary institution determined to be eligible by the State under guidelines established by the Secretary.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for calendar quarters beginning on or after January 1, 1995.

SEC. 105. INCENTIVES AND ASSISTANCE IN STARTING A SMALL BUSINESS.

(a) AUTHORITY FOR STATES TO PERMIT CERTAIN SELF-EMPLOYMENT PROGRAM PARTICIPANTS A ONE-TIME ELECTION TO PURCHASE CAPITAL EQUIPMENT FOR A SMALL BUSINESS IN

Lieu of Depreciation; Repayments by Such Persons of the Principal Portion of Small Business Loans Treated as Business Expenses for Purposes of AFDC.—

(1) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 402(a)(8) of the Social Security Act (42 U.S.C. 602(a)(8)) is amended—

(A) in subparagraph (B)(ii)(II), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) provide that, in determining the earned income of a family any of the members of which owns a small business and is a participant in a self-employment program offered by a State in accordance with section 482(d)(1)(B)(ii), the State may—

''(i)(I) during the 1-year period beginning on the date the family makes an election under this clause, treat as an offset against the gross receipts of the business the sum of the capital expenditures for the business by any member of the family during such 1-year period; and

''(II) allow each such family eligible for aid under this part not more than 1 election under this clause; and

''(ii) treat as an offset against the gross receipts of the business—

''(I) the amounts paid by any member of the family as repayment of the principal portion of a loan made for the business; and

''(II) cash retained by the business for future use by the business; and''.

(2) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 167 of the Internal Revenue Code of 1986 (relating to depreciation) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) CERTAIN PROPERTY OF AFDC RECIPIENTS NOT DEPRECIABLE.—No depreciation deduction shall be allowed under this section (and no depreciation or amortization deduction shall be allowed under any other provision of this subtitle) with respect to the portion of the adjusted basis of any property which is attributable to expenditures treated as an offset against gross receipts under section 402(a)(8)(C)(i) of the Social Security Act.''.

(3) EFFECTIVE DATE.—

(A) SOCIAL SECURITY ACT AMENDMENTS.—The amendments made by paragraph (1) shall apply to payments made under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) on or after January 1, 1996.

(B) INTERNAL REVENUE CODE AMENDMENT.—The amendments made by paragraph (2) shall apply to property placed in service on or after January 1, 1996.

(b) DEMONSTRATION PROJECTS ESTABLISHING PUBLIC-PRIVATE PARTNERSHIPS FOR TECHNICAL ASSISTANCE TO SELF-EMPLOYED AFDC RECIPIENTS.—

(1) IN GENERAL.—The Secretary shall provide for demonstration projects to be conducted in States with applications approved under this Act under which one or more partnerships are developed between State agencies and community businesses or educational institutions to provide assistance to eligible participants.

(2) ELIGIBLE PARTICIPANTS.—For purposes of this subsection, the term ''eligible participants'' means—

(A) individuals who are receiving aid to families with dependent children; and

(B) individuals who cease to be eligible to receive such aid who have been participating in a demonstration project conducted by a State under this subsection.

(3) PERMISSIBLE EXPENDITURES.—Funds from any demonstration project conducted under this subsection may be used to pay the costs associated with developing and implementing a process through which businesses or educational institutions would work with the State agency to provide assistance to eligible participants seeking to start or operate small businesses, including—

(A) mentoring;

(B) training for eligible participants in administering a business;

(C) technical assistance in preparing business plans; and

(D) technical assistance in the process of applying for business loans, marketing services, and other activities related to conducting such small businesses.

(c) DEMONSTRATION PROJECTS FOR TRAINING AFDC RECIPIENTS AS SELF-EMPLOYED PROVIDERS OF CHILD CARE SERVICES.—

(1) IN GENERAL.—The Secretary shall provide for demonstration projects to be conducted in States with applications approved under this Act under which one or more partnerships are developed between State agencies and community businesses or educational institutions to provide assistance to eligible participants in the establishment and operation of child care centers in the home or in the community which would provide child care services.

(2) ELIGIBLE PARTICIPANTS.—For purposes of this subsection, the term ''eligible participants'' means—

(A) individuals who are receiving aid to families with dependent children; and

(B) individuals who cease to be eligible to receive such aid who have been participating in a demonstration project conducted by a State under this subsection.

(3) PERMISSIBLE EXPENDITURES.—Funds from any demonstration project conducted under this subsection may be used to pay the costs associated with developing and implementing a process through which businesses or educational institutions would work with the State agency to provide assistance to train eligible participants to provide licensed child care services, including—

(A) mentoring;

(B) training in the provision of child care services;

(C) training for eligible participants in administering a business;

(D) training in early childhood education;

(E) technical assistance in preparing business plans;

(F) technical assistance in the process of applying for loans, marketing services, qualifying for Federal and State programs, and other activities related to the provision of child care services; and

(G) technical assistance in obtaining a license and complying with Federal, State, and local regulations regarding the provision of child care.

(d) DEMONSTRATION PROJECT TO PROMOTE OWNERSHIP OF FAMILY-OWNED BUSINESSES BY AFDC RECIPIENTS.—

(1) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in paragraph (2) in States with applications approved under this Act.

(2) PROJECT DESCRIBED.—Each State conducting a demonstration project under this subsection shall develop a program under which the State shall—

(A) encourage incentives for families receiving aid to families with dependent children to work together as managers and employees in family-owned businesses;

(B) develop State and private partnerships for making or guaranteeing small business loans, including seed money, available to such families;

(C) provide such families with technical training in small business management, accounting, and bookkeeping;

(D) regularly evaluate the status of the recipients of assistance under the project; and

(E) continue a transitional period of benefits under title IV and title XIX of the Social Security Act for recipients of assistance under the project until such time as the State determines such family is self-sufficient.

For purposes of this paragraph, a family-owned business may include other relatives of the family receiving aid to families with dependent children regardless if such relatives are also receiving aid to families with dependent children.

SEC. 106. INCREASED EMPHASIS IN JOBS PROGRAM ON MOVING PEOPLE INTO THE WORK FORCE.

Section 481(a) of the Social Security Act (42 U.S.C. 681(a)) is amended by adding at the end the following new sentence: ''It is further the purpose of this part to encourage individuals receiving education and training to enter the permanent work force by developing programs through which such individuals enter the work force and then receive post-employment education and training.''.

SEC. 107. ADDITIONAL DEMONSTRATION PROJECTS TO MOVE AFDC RECIPIENTS INTO THE WORK FORCE.

(a) ESTABLISHMENT.—The Secretary shall provide for additional demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall develop a program or programs to better move recipients of aid to families with dependent children into the work force.

TITLE II—INITIATIVES TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY

SEC. 201. DEMONSTRATION PROJECTS TO ESTABLISH CHILD CENTERED PROGRAMS THROUGH CONVERSION OF CERTAIN AFDC AND JOBS PAYMENTS INTO BLOCK GRANTS.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—

(1) IN GENERAL.—Each State conducting a demonstration project under this section shall elect to receive payments under paragraph (2) in lieu of—

(A) all payments to which the State would otherwise be entitled to under section 403 of the Social Security Act (42 U.S.C. 603) for aid to families with dependent children under part A of title IV of such Act or the job opportunities and basic skills training program under part F of such title; or

(B) any portion of the payment described in subparagraph (A) to which the State would otherwise be entitled under such section for benefits (identified by the State) under part A or part F of such title for populations (identified by the State) who receive such benefits.

(2) PAYMENT.—The Secretary shall make payment under this paragraph for each year of the project in an amount equal to—

(A) during fiscal year 1996—

(i) 100 percent of the total amount to which the State was entitled under section 403 of the Social Security Act (42 U.S.C. 603) for aid to families with dependent children under part A of title IV of such Act or the job opportunities and basic skills training program under part F of such title; or

(ii) the amount to which the State was entitled to under such section for those benefits and populations identified by the State in paragraph (1)(B),

for fiscal year 1995 plus the product of such amount and the percentage increase in the consumer price index for all urban consumers (U.S. city average) during such fiscal year; and

(B) during each subsequent fiscal year, the amount determined under this paragraph in the previous fiscal year plus the product of such amount and the percentage increase in such consumer price index during such previous fiscal year.

(3) DESCRIPTION OF ACTIVITIES.—

(A) IN GENERAL.—Each State which is paid under paragraph (2) shall expend the amount received under such paragraph and the amount, if any, made available to such State under section 5(b)(1)(B)(ii) for one or more of the following purposes:

(i)(I) Establish residential programs for teenage mothers with dependent children where education, job training, community service, or other employment is provided.

(II) Support the pilot project described in section 433(f) of the Jobs Training Partnership Act, as added by section 102 of this Act, to provide such services to teenage mothers with dependent children.

(ii) Establish programs to promote, expedite, and ensure adoption of children, particularly neglected or abused children.

(iii) Expand child care assistance for the children of needy working parents (as determined by the State).

(iv) Establish residential schooling with appropriate support services for children from needy families (as determined by the State) enrolled at the request of the parents of such children.

(v) Establish other services which will be provided directly to children from needy families (as determined by the State).

(vi) Implement other reforms consistent with this Act.

(4) COMMUNITY-BASED ACTIVITIES.—The Secretary shall ensure that each State receiving a grant under this section—

(A) takes adequate steps to assure the well-being of the children affected by the State's receipt of the grant; and

(B) to the fullest extent possible, utilizes the grant under this section to support community-based services in communities affected by the State's receipt of the grant.

SEC. 202. DEMONSTRATION PROJECTS PROVIDING NO ADDITIONAL BENEFITS WITH RESPECT TO CHILDREN BORN WHILE A FAMILY IS RECEIVING AFDC AND ALLOWING INCREASES IN THE EARNED INCOME DISREGARD.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—If a child is born to a family after the date on which such family begins receiving aid to families with dependent children, a State conducting a demonstration project under this section—

(1) shall not take such child into account in determining the need of such family for such aid; and

(2) shall increase the amounts disregarded from earned income under section 402(a)(8)(A) of the Social Security Act (42 U.S.C. 602(a)(8)(A)).

SEC. 203. DEMONSTRATION PROJECTS PROVIDING INCENTIVES TO MARRY.

(a) AID TO TWO-PARENT FAMILIES.—

(1) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in paragraph (2) in States with applications approved under this Act.

(2) PROJECT DESCRIBED.—

(A) IN GENERAL.—Each State conducting a demonstration project under this subsection shall not apply the requirements described in subparagraph (B) to a parent of a dependent child who is married to the natural parent of such child.

(B) REQUIREMENTS WAIVED.—The requirements described in this subparagraph are:

(i) The work history requirement described in section 407(b)(1)(A)(iii) of the Social Security Act (42 U.S.C. 607(b)(1)(A)(iii)).

(ii) The 100-hour rule under section 233.100(a)(1)(i) of title 45, Code of Federal Regulations.

(b) INCREASE IN STEPPARENT EARNED INCOME DISREGARD.—

(1) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in paragraph (2) in States with applications approved under this Act.

(2) PROJECT DESCRIBED.—For purposes of making determinations for any month under section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)), each State conducting a demonstration project under this subsection shall modify the income disregards provided in subparagraphs (A) through (D) of section 402(a)(31) of such Act (42 U.S.C. 602(a)(31)) in order to decrease the amount of income determined under such section with respect to a dependent child's stepparent.

SEC. 204. DEMONSTRATION PROJECTS REDUCING AFDC BENEFITS IF SCHOOL ATTENDANCE IS IRREGULAR OR PREVENTIVE HEALTH CARE FOR DEPENDENT CHILDREN IS NOT OBTAINED.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—

(1) IN GENERAL.—Each State conducting a demonstration project under this section shall reduce the amount of aid to families with dependent children received by a family if the State agency determines that one or both (at the State's option) of the following conditions exist:

(A) A member of such family is attending school or participating in a course of vocational or technical training and such family member is absent from such school or training with no excuse for more than a number of days per month determined appropriate by the State.

(B) A member of such family is a child under the age of 6 who has not received appropriate immunizations (as determined by the State).

(2) LIMITATION.—Each State conducting a demonstration project under this section shall establish procedures which ensure that no reduction in aid to families with dependent children under paragraph (1) will endanger the welfare and safety of any dependent child.

SEC. 205. DEMONSTRATION PROJECTS TO DEVELOP COMMUNITY-BASED PROGRAMS FOR TEENAGE PREGNANCY PREVENTION AND FAMILY PLANNING

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall develop a community-based program for teenage pregnancy prevention and family planning.

SEC. 206. ADDITIONAL DEMONSTRATION PROJECTS TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY.

(a) ESTABLISHMENT.—The Secretary shall provide for additional demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall develop a program or programs to strengthen families and break the cycle of welfare dependency.

TITLE III—CHANGES TO FEDERAL LAWS AND STATE INITIATIVES TO INCREASE CHILD SUPPORT AND PATERNAL RESPONSIBILITY

SEC. 301. DEMONSTRATION PROJECTS TO INCREASE PATERNITY ESTABLISHMENT.

(a) ESTABLISHMENT.— The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall develop a program to increase paternity establishment.

SEC. 302. DEMONSTRATION PROJECTS TO INCREASE CHILD SUPPORT COLLECTION.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall increase the State's child support collection efforts through one or more of the following methods:

(1) Enhanced child support enforcement and collection, including holding a parent accountable for supporting any children of the parent's minor children.

(2) Applying section 402(a)(8)(vi) of the Social Security Act (42 U.S.C. 602(a)(8)(vi)) by substituting an amount greater than $50 (to be determined by the State) for ''$50'' each place such dollar amount appears.

(3) Any other method that the State deems appropriate.

TITLE IV—INITIATIVES TO DIVERSIFY AND IMPROVE THE PERFORMANCE OF WELFARE SERVICES

SEC. 401. DEMONSTRATION PROJECTS FOR PROVIDING PLACEMENT OF AFDC RECIPIENTS IN PRIVATE SECTOR JOBS.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects described in subsection (b) in States with applications approved under this Act.

(b) PROJECT DESCRIBED.—Each State conducting a demonstration project under this section shall—

(1) contract with private for-profit and nonprofit groups to provide any individual receiving aid to families with dependent children with training, support services, and placement in a private sector job which permits such individual to cease receiving aid to families with dependent children; and

(2) upon employment of such individual, pay such groups a negotiated portion of the total amount that such individual's family would have received over the course of the year in which such individual began such employment in the form of aid to families with dependent children.

SEC. 402. DEMONSTRATION PROJECTS PROVIDING PERFORMANCE-BASED INCENTIVES FOR STATE PUBLIC WELFARE PROVIDERS.

(a) ESTABLISHMENT.—The Secretary shall provide for demonstration projects to establish performance-based incentives for State public welfare providers in States with applications described in subsection (b)(1) which are approved under this Act.

(b) APPLICATIONS.—

(1) APPLICATION DESCRIBED.—An application described under this paragraph is an application which—

(A) identifies the State offices or administrative units which will participate in the demonstration project;

(B) describes indicators of employee or program performance based on outcome measures for—

(i) training and education;

(ii) job search and placement assistance;

(iii) child support collection;

(iv) teen pregnancy prevention programs; and

(v) any other program objective that the State finds appropriate;

(C) describes budgetary incentives for program performance, including direct financial incentives for employees where appropriate;

(D) describes a process for developing, in cooperation with employees of participating offices or units, a job evaluation system based on performance measures; and

(E) describes the way in which State public welfare providers, private providers, welfare clients, and members of the community have been or shall be involved in the planning and implementation of a performance based welfare delivery system.

(2) TECHNICAL ASSISTANCE.—The Secretary shall provide a State desiring to submit an application for a demonstration project under this section with technical assistance in preparing an application described under paragraph (1).

SEC. 403. ELECTRONIC BENEFIT TRANSFERS.

Section 904(d) of the Electronic Fund Transfer Act (15 U.S.C. 1693b(d)) is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following new paragraph:

''(2)(A) The disclosures, protections, responsibilities, and remedies created by this title or any rules, regulations, or orders issued by the Board in accordance with this title, do not apply to an electronic benefit transfer program established under State or local law, or administered by a State or local government, unless the payment under such program is made directly into a consumer's account held by the recipient.

''(B) Subparagraph (A) does not apply to employment related payments, including salaries, pension, retirement, or unemployment benefits established by Federal, State, or local governments.

''(C) Nothing in subparagraph (A) alters the protections of benefits established by any Federal, State, or local law, or preempts the application of any State or local law.

''(D) For purposes of subparagraph (A), an electronic benefit transfer program is a program under which a Federal, State, or local government agency distributes needs-tested benefits by establishing accounts to be accessed by recipients electronically, such as through automated teller machines, or point-of-sale terminals. A program established for the purpose of enforcing the support obligations owed by absent parents to their children and the custodial parents with whom the children are living is not an electronic benefit transfer program.''.

TITLE V—OFFSETTING EXPENDITURE REDUCTIONS

SEC. 501. OFFSETTING EXPENDITURE REDUCTIONS.

(a) IN GENERAL.—Subparagraph (C) of section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)(C)) is amended to read as follows:

''(C) In the case of corporations and other entities included in subparagraph (B) and partnerships, the Secretary shall attribute payments to natural persons in proportion to their ownership interests in an entity and in any other entity, or partnership, that owns or controls the entity, or partnership, receiving the payments.''.

(b) REMOVAL OF 3-ENTITY RULE.—Section 1001A(a)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–1(a)(1)) is amended—

(1) in the first sentence—

(A) by striking ''substantial beneficial interests in more than two entities'' and inserting ''a substantial beneficial interest in any other entity''; and

(B) by striking ''receive such payments as separate persons'' and inserting ''receives the payments as a separate person''; and

(2) by striking the second sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995.

THE WELFARE REFORMS THAT WORK ACT—SUMMARY

Sections 1–4.—Purpose of bill and general provisions relating to state pilot projects:

Sec. 2. States that the purpose of the bill is to promote bold State-initiated welfare reforms to move welfare recipients into the work force; strengthen families; break the cycle of welfare dependency; increase child support collection and paternal responsibility; and improve the delivery of welfare services. The bill is designed to make immediate State-by-State changes to the existing system while establishing a process for identifying successful reform approaches that can be applied nationally. The bill reflects the findings that: the current welfare system is failing children and contributing to the cycle of poverty and other societal ills; mandatory job training and many other incremental reforms tested to date have had minimal effects on welfare dependency; and the States are best positioned to test far-reaching reform proposals that involve some human or financial risk. While this bill in no way precludes national reforms such as time-limits, work requirements or requiring teenage parents to live at home, it gives States the central reform role and provides the authority and resources they need to pursue bold and untested reforms.

Sec. 4. Sets forth general provisions relating to demonstration projects. Authorizes $150 million/yr for the first two years and $125 million/yr in the following three year to support pilots and evaluations of pilots, and requires States to have evaluation plans approved by the Department of Health and Human Services (HHS) before receiving funds. A portion of these funds would support innovative pilot programs not specified in the bill but proposed by States. Demonstration projects could last up to 5 years. States would report on progress annually. As results of interim and final reports become available, the Secretary of HHS will submit legislation to Congress to implement promising reforms nationally.

TITLE I.—INITIATIVES TO MOVE WELFARE RECIPIENTS INTO THE WORK FORCE

From the first day that an individual applies for welfare, the primary focus of welfare offices should be to help that person move into the work force. A welfare grant should be conditioned on responsible behavior. This Title supports state reforms to move welfare recipients into the work force.

Sec. 101. Supports State pilots to condition AFDC benefits for single parents under 20 years of age with at least one dependent child and no children under 6 months of age on attending school or participating in a job or job training program for a minimum of 35 hours per week and on living at home. States would also impose a time limit (not specified) on benefits, and make child care available during training and work activities. Since the program would be expensive, it targets those at greatest risk of long-term welfare dependency—teenage mothers.

Sec. 102. Authorizes the Secretary of HHS to establish a pilot program with the Jobs Corps (a successful, residential anti-poverty program for youths 16–22 years of age) targeting teenage mothers on AFDC with below school-age children. The pilot would include a Parents-as-Teachers type program designed to teach parents how to help prepare their children for school and learning.

Sec. 103. Supports State pilots to require 30 days of assisted job search or, where appropriate, substance abuse treatment immediately following application for AFDC, coinciding with the usual lag time between application for and receipt of benefits. Applicants would have to complete the assigned activities before receiving AFDC payments.

Sec. 104. A national change to permit States to allow AFDC families to save money (up to $10,000) for education and training or starting a small business.

Sec. 105. Expands on legislation introduced in 1993 with Senator Dodd.

A national change to permit States to help recipients start a small business by allowing participants a one-time election to fully deduct capital equipment purchases in one year;

Supports State pilots to establish public-private partnerships to provide technical assistance to self-employed AFDC recipients;

Supports State pilots to train AFDC recipients as self-employed providers of child care services; and

Supports State pilot projects to promote ownership of extended family-owned businesses by AFDC recipients. Would provide incentives and assistance for families receiving aid to families with dependent children to work together as managers and employees in extended family-owned businesses.

Sec. 106. Amends JOBS provisions to emphasize efforts to move people into the work force over training and education.

Sec. 107. Supports additional demonstration projects proposed by States to move AFDC recipients into the work force.

TITLE II.—INITIATIVES TO STRENGTHEN FAMILIES AND BREAK THE CYCLE OF WELFARE DEPENDENCY

The current Federal welfare rules discourage family unification and encourage out-of-wedlock childbearing. The most serious victims of these policies are children born into poor, unstable families. This Title supports State reforms that promote parental responsibility and family unity. It recognizes that while welfare is a privilege for parents, States and the Federal government have a moral responsibility to ensure the well-being of all American children.

Sec. 201. Supports State pilots to establish child centered programs through conversion of AFDC and JOBS payments into block grants, plus funds available under other sections of this bill. States could apply portions of funds to: (1) establish residential homes for teenage mothers with children, including supporting the pilot project described in section 102; (2) expand programs to expedite and improve adoption of children; (3) expand child care assistance for needy children of working families; (4) establish supportive residential schools for children enrolled at the request of their parents; (5) provide other services directly to needy children; and (6) fund other programs that are consistent with the purposes of the Act. The Secretary of HHS, in reviewing the application, must ensure that the State's program will protect the well-being of affected children.

Sec. 202. Supports State pilots to discourage welfare recipients from having additional children while on welfare and increase the financial reward for work. Recipients who had a second child would not get additional benefits but would be allowed to keep a higher portion of job earnings.

Sec. 203. Supports State pilots to improve incentives to get married. States would disregard to a greater extent the second parent's earnings and work patterns in determining benefits.

Sec. 204. Supports State pilots to reduce AFDC benefits if school attendance of mother or child is irregular or preventive health

care for the dependent children is not attained.

Sec. 205. Supports State demonstrations of innovative teenage pregnancy prevention programs.

Sec. 206. Supports additional demonstration projects proposed by States to strengthen families and break the cycle of welfare dependency.

TITLE III.—CHANGES TO FEDERAL LAWS AND STATE INITIATIVES TO INCREASE CHILD SUPPORT COLLECTION AND PATERNAL RESPONSIBILITY

Increased child support enforcement and paternity establishment must be part of the welfare reform. Too often absent parents, typically fathers, are not held accountable for their children's care. In the last Congress Senator Bradley introduced and I cosponsored the comprehensive Interstate Child Support Enforcement Act, which I will support again this year. My bill authorizes additional State efforts to improve child support collection and paternity establishment.

Sec. 301. Supports demonstration projects to increase paternity establishment.

Sec. 302. Supports demonstration projects to increase child support collection, including: increasing the child support disregard, from $50 to a higher level decided by the state; and, holding parents accountable for child support obligations of their minor children.

TITLE IV.—INITIATIVES TO DIVERSIFY AND IMPROVE PERFORMANCE OF WELFARE SERVICES

Welfare offices are notoriously bureaucratic and unresponsive. Under current Federal laws, they have few incentives and some disincentives to improve performance. This Title supports state efforts to promote competition among welfare service providers and to implement performance-based management programs in welfare offices. It also removes a current Federal impediment to the use of electronic benefit transfer ''smart cards.''

Sec. 401. Supports State pilots to provide incentives to private sector, for profit and non-profit groups to place welfare recipients in private sector jobs. Companies would keep a portion of welfare savings as payment for successful job placements.

Sec. 402. Supports State pilots to implement performance-based management systems for public welfare providers.

Sec. 403. To promote the use of electronic benefit transfer (EBT) ''smart cards'' that reduce fraud and improve services, this section exempts state EBT programs from the Federal Reserve Board's ''Regulation E.'' Reg. E currently limits cardholder liability to $50 for lost or stolen cards—a policy that promotes fraud and makes EBT programs costly for States.

TITLE V.—OFFSETTING EXPENDITURE REDUCTIONS

Sec. 501. Eliminates the ''three-entity'' rule, reducing the amount of certain Federal subsidies individual farmers can receive from $250,000 to $125,000 per year.

By Mr. GREGG (for himself and Mr. COCHRAN):

S. 247. A bill to improve senior citizen housing safety; to the Committee on Banking, Housing, and Urban Affairs.

THE SENIOR CITIZENS HOUSING SAFETY ACT

● Mr. GREGG. Mr. President, last year, I introduced the Senior Citizens Housing Safety Act, a bill that will end the terror that unfortunately runs rampant throughout many housing projects specifically designated for elderly and disabled residents. I reintroduce this important legislation.

In my home State of New Hampshire, most people are still afforded the luxury of not having to lock their front door before turning in for the evening. However, many elderly residents of public housing facilities in my State and across America have been forced to not only lock their front doors, but are literally being held prisoner in their own homes. I believe this is outrageous. I have received numerous complaints from residents of elderly housing facilities throughout New Hampshire who are worried about their personal safety in housing specifically reserved for them.

Under current housing laws nonelderly persons considered disabled, because of past drug and alcohol abuse problems, are eligible to live in section 8 housing designated for the elderly. This mixing of populations may have filled up the housing projects across the country, but it has opened a Pandora's box of trouble. Simply put, young, recovering alcoholics and drug addicts are not compatible with elderly persons. Many of these young people hold all-night, loud parties, shake down many of the elderly residents for money, sell drugs within the housing facility, and generally disturb the right to the peaceful enjoyment of the premises by other tenants.

This problem has occurred because the definition of handicapped under the Fair Housing Act was amended in 1988 to include recovering alcoholics and drug addicts. Under the mixed population rules of 1992, Congress determined that the elderly and disabled should be housed together. Historically, disabled individuals have lived in complexes for the elderly because the apartments there—one-bedroom units equipped with such features as hand rails—best fit their needs. However, drug addicts and alcoholics who are considered disabled do not have the same needs. Many elderly persons hope to retire in a community surrounded by persons their own age, elderly people who choose to live a peaceful existence in the company of their peers. I want to restore that hope and this legislation will attack this problem with a two-tier approach.

First, my legislation will institute a front-end screening process. This will prevent nonelderly individuals, classified as disabled because they are recovering from alcoholism and drug addiction, from becoming eligible for housing that is designated for the elderly. It simply says they cannot live in housing designated for the elderly additionally, it will prevent the further mixing of two groups that are obviously incompatible. This will not, however, exclude these nonelderly, disabled individuals from the housing I believe they need and deserve.

Second, my legislation will force local public housing agencies to evict nonelderly individuals occupying the facility who engage on three separate documented occasions in activities that threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants and involves the use of drugs or alcohol.

This process, by no means, circumvents the current housing eviction procedure. Under current law the public housing agency could evict these persons after one infraction if deemed necessary. It simply mandates that these nonelderly individuals be evicted after three incidents which threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants.

This is a simple bill that prevents the mixing of two populations who have proved incompatible.

This bill will restore order in housing projects designated for elderly and disabled tenants by screening out nonelderly alcoholics and drug addicts, as well as evicting those nonelderly persons who continuously raise havoc within the housing project. I urge my colleagues to support this important bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senior Citizen Housing Safety Act''.

SEC. 2. SENIOR CITIZEN HOUSING SAFETY.

(a) LIMITATION ON OCCUPANCY IN PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.—

(1) IN GENERAL.—Section 7(a) of the United States Housing Act of 1937 (42 U.S.C. 1437e(a)) is amended—

(A) in paragraph (1), by striking ''Notwithstanding any other provision of law'' and inserting ''Subject only to the provisions of this subsection'';

(B) in paragraph (4), by inserting '', except as provided in paragraph (5)'' before the period at the end; and

(C) by adding at the end the following new paragraph:

''(5) LIMITATION ON OCCUPANCY IN PROJECTS FOR ELDERLY FAMILIES.—

''(A) OCCUPANCY LIMITATION.—Notwithstanding any other provision of law, a dwelling unit in a project (or portion of a project) that is designated under paragraph (1) for occupancy by only elderly families or by only elderly and disabled families shall not be occupied by—

''(i) any person with disabilities who is not an elderly person and whose history of use of alcohol or drugs constitutes a disability; or

''(ii) any person who is not an elderly person and whose history of use of alcohol or drugs provides reasonable cause for the public housing agency to believe that the occupancy by such person may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.

''(B) REQUIRED STATEMENT.—A public housing agency may not make a dwelling unit in such a project available for occupancy to any person or family who is not an elderly family, unless the agency acquires from the person or family a signed statement that no person who will be occupying the unit—

''(i) uses (or has a history of use of) alcohol; or

''(ii) uses (or has a history of use of) drugs; that would interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.''.

(2) LEASE PROVISIONS.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) following new paragraph:

''(6) provide that any occupancy in violation of the provisions of section 7(a)(5)(A) or the furnishing of any false or misleading information pursuant to section 7(a)(5)(B) shall be cause for termination of tenancy; and''.

(b) EVICTION OF NONELDERLY TENANTS HAVING DRUG OR ALCOHOL USE PROBLEMS FROM PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.—Section 7(c) of the United States Housing Act of 1937 (42 U.S.C. 1437e(c)) is amended to read as follows:

''(c) STANDARDS REGARDING EVICTIONS.—

''(1) LIMITATION.—Any tenant who is lawfully residing in a dwelling unit in a public housing project may not be evicted or otherwise required to vacate such unit because of the designation of the project (or a portion of the project) pursuant to this section or because of any action taken by the Secretary or any public housing agency pursuant to this section.

''(2) REQUIREMENT TO EVICT NONELDERLY TENANTS FOR 3 INSTANCES OF PROHIBITED ACTIVITY INVOLVING DRUGS OR ALCOHOL.—With respect to a project (or portion of a project) described in subsection (a)(5)(A), the public housing agency administering the project shall evict any person who is not an elderly person and who, during occupancy in the project (or portion thereof), engages on 3 separate occasions (occurring after the date of the enactment of this Act) in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants and involves the use of alcohol or drugs.

''(3) RULE OF CONSTRUCTION.—The provisions of paragraph (2) requiring eviction of a person may not be construed to require a public housing agency to evict any other persons who occupy the same dwelling unit as the person required to be evicted.''.●

By Mr. GREGG (for himself, Mrs. HUTCHISON, Mr. LOTT, Mr. GRAMM, Mr. NICKLES, and Mr. WARNER):

S. 248. A bill to delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes; to the Committee on Environment and Public Works.

THE AUTO INSPECTION REFORM ACT OF 1995

● Mr. GREGG. Mr. President, I introduce the Auto Inspection Reform [AIR] Act of 1995. I am pleased that Senators HUTCHISON, LOTT, GRAMM, NICKLES, and WARNER have joined as cosponsors. This legislation will postpone the implementation of the enhanced vehicle inspection and maintenance programs under the Clean Air Act until March 1, 1996. The bill requires EPA to reissue the regulations relating to these programs, and to reassess its initial position that effectively mandated centralized tests.

Under the 1990 Clean Air Act, Congress imposed enhanced auto emission inspection and maintenance requirements on States in nonattainment areas and on States in the statutory-mandated Northeast ozone transport region. Under the act, Congress provided a clear option to centralized systems for States that proved that decentralized testing could be as effective.

Despite the clear statutory language that indicates Congress wanted decentralized testing to be a viable option, EPA has acted to fundamentally undermine this congressional intent. Through two decisions, EPA has effectively forced States to adopt centralized systems. First, EPA determined that an extremely high cost test known as the IM–240 was mandated under the act. Second, EPA determined that the pollution reduction that States say can be achieved by a decentralized system must be discounted by roughly 50 percent.

As a result, States have either yielded to EPA's mandate, or are trying to get EPA to change its views. States that chose the first course are facing a citizen rebellion and States choosing the second are facing a brick wall. If a State does not meet the enhanced emissions testing requirements to EPA's satisfaction, the Agency can have the State's Federal highway funding cut off.

EPA has just recently indicated a willingness to reconsider and negotiate increased flexibility with some of the affected States' Governors and not implement fines for States moving forward in ''good faith.'' This is a good first step. However, it has only been implemented on a State-by-State basis and EPA has yet to issue any codified guidance to define this apparent change in policy. States remain at the mercy of EPA's discretion. I believe that any new policy should be formalized to provide States certainty and predictability. This bill will help ensure that the Clean Air Act will be complied with by giving States the necessary flexibility to implement the most suitable inspection program for their States. I urge my colleagues to give this bill careful consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Auto Inspection Reform (AIR) Act of 1995''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that, in carrying out title I of the Clean Air Act (42 U.S.C. 7401 et seq.), the Administrator of the Environmental Protection Agency (referred to in this Act as the ''Administrator'') has failed to—

(1) adequately consider alternative programs to centralized vehicle emission testing programs, as required by section 182(c)(3)(C)(vi) of the Clean Air Act (42 U.S.C. 7511a(c)(3)(C)(vi)); and

(2) provide adequate credit to States for the alternative programs.

(b) PURPOSE.—The purpose of this Act is to require the Administrator to—

(1) reassess the determinations of the Administrator with respect to the equivalency of centralized and decentralized programs under section 182(c)(3)(C)(vi) of the Clean Air Act (42 U.S.C. 7511a(c)(3)(C)(vi)); and

(2) issue new regulations governing the programs that—

(A) result in minimum disruption to the ability of States to comply with other requirements of the Act (42 U.S.C. 7401 et seq.); and

(B) provide States a reasonable opportunity to comply with the new regulations and implement any decentralized testing programs that the States demonstrate are equally effective as centralized programs.

SEC. 3. IMPLEMENTATION OF ENHANCED VEHICLE INSPECTION PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State shall not be required to implement an enhanced vehicle inspection and maintenance program under section 182(c)(3) of the Clean Air Act (42 U.S.C. 7511a(c)(3)) prior to March 1, 1996.

(b) REASSESSMENT OF REGULATIONS.—

(1) IN GENERAL.—The Administrator shall—

(A) immediately rescind the regulations issued on November 5, 1992 (57 Fed. Reg. 52950), relating to operation of the program described in subsection (a) on a centralized basis; and

(B) during the period beginning on the date of enactment of this Act and ending on March 1, 1996—

(i) reassess the determinations made by the Administrator with respect to operation of the program described in subsection (a) on a centralized basis, taking into consideration comments submitted by States; and

(ii) issue new regulations relating to operation of the program described in subsection (a) on a centralized basis, or, at the option of each State, on any decentralized basis if the State demonstrates that such a decentralized program is equally effective as a centralized program.

(2) REQUIREMENTS.—The regulations issued under paragraph (1)(B)(ii) shall—

(A) in accordance with the intent of section 182(c)(3)(C)(vi) of the Clean Air Act (42 U.S.C. 7511a(c)(3)(C)(vi))—

(i) make reasonably available to States the option of operation of the program described in subsection (a) on any decentralized basis if the State demonstrates that such a decentralized program is equally effective as a centralized program; and

(ii) establish criteria that a State must meet in order to demonstrate that a decentralized program of the State is equally effective as a centralized program; and

(B)(i) provide each State a reasonable opportunity to submit (at the option of the State) a new revision to a plan under section 182(c)(3) of the Act (42 U.S.C. 7511a(c)(3)) based on the new regulations, which revision shall replace any revision to a plan previously submitted by the State under section 182(c)(3) of the Act; and

(ii) include a schedule that provides States a reasonable opportunity to implement any new revisions to plans that the States submit.

(3) JUDICIAL REVIEW.—Notwithstanding section 706 of title 5, United States Code, or any

other provision of law, if the regulations issued pursuant to paragraph (1)(B)(ii) are reviewed by a court, the court shall hold unlawful and set aside the regulations if the regulations are found to be unsupported by a preponderance of the evidence.

(c) PROHIBITION ON IMPOSITION OF SANCTIONS.—Until such time as the Administrator has carried out subsection (b)(1)—

(1) the Administrator may not issue a finding, disapproval, or determination under section 179(a) of the Clean Air Act (42 U.S.C. 7509(a)), or apply a sanction specified in section 179(b) of the Act, to a State with respect to a failure to implement a program described in subsection (a), or any portion of such a program; and

(2) the Administrator and the Administrator of the Federal Highway Administration of the Department of Transportation may not take any adverse action, against a State with respect to a failure described in paragraph (1), under—

(A) section 176 of the Clean Air Act (42 U.S.C. 7506);

(B) chapter 53 of title 49, United States Code;

(C) subpart T of part 51, or subpart A of part 93, of title 40, Code of Federal Regulations (commonly known as the ''transportation conformity rule''); or

(D) part 6, 51, or 93 of title 40, Code of Federal Regulations (commonly known as the ''general conformity rule'').

(d) FULL CREDIT FOR DECENTRALIZED PROGRAMS.—Until such time as the Administrator has carried out subsection (b)(1), for the purpose of the attainment demonstration and the reasonable further progress demonstration required under section 182(c)(2) of the Clean Air Act (42 U.S.C. 7511a(c)(2)), the Administrator shall—

(1) deem that the emission reductions calculated by States for inspection and maintenance under their State implementation plans would be achieved as if the planned program had been implemented; or

(2) if appropriate, consider the operation of the program described in subsection (a) on a decentralized basis as equivalent to the operation of the program on a centralized basis in any case in which a State demonstrates that a determination of such an equivalency is reasonable.●

By Mr. MCCONNELL:

S. 250. A bill to amend chapter 41 of title 28, United States Code, to provide for an analysis of certain bills and resolutions pending before the Congress by the Director of the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

THE LITIGATION IMPACT STATEMENTS ACT OF 1995

● Mr. MCCONNELL. Mr. President, today, I am introducing a bill that joins the effort to improve our legal system with the goal of eliminating unfunded Federal mandates.

Too often, Mr. President, Congress passes a bill without regard as to its impact on the court system. How many new cases will the law generate? Will they be Federal court cases or State court cases? How much will it cost government to enforce the new law through the legal system? How much liability will government, as well as the private sector, incur as a result of the new law?

These questions are rarely asked by Congress before a bill becomes law. The bill I am introducing will change all of that. It requires the Administrative Office of the U.S. Courts to provide a litigation impact statement for all bills reported from committees—except private relief bills and appropriation bills.

The A.O. is equipped to perform this task; in fact, the staff already does provide a judicial impact statement for certain bills. They did it for the Violence Against Women's Act, and they did for a bill I introduced in the 102d Congress, the Pornography Victims' Compensation Act.

In 1994, more than 281,000 new cases were filed in the Federal courts, with an increase in the civil filings of 3 percent over last year—Interestingly, the criminal filings have gone down.

In 4 of the last 5 years, filings in the Federal courts have increased. This increase in court filings occurs at the State level, where hundreds of thousands of cases are also filed. Too many of these cases are a direct result of Federal legislation enacted without a thought as to the effect on the courts. My bill will give Congress the opportunity to consider, for every bill, what burdens it will create for the courts, as well as the financial impact for potential liability the new law will have on governmental and private entities. Cities and towns are spending more and more of their budgets on liability insurance, and part of the blame for that rests with Congress for the new laws creating runaway liability.

Will a litigation impact statement slow Congress down? I certainly hope so. It would be just fine with the American people, if Congress imposed fewer burdens on them. After all, they delivered a loud message last November. They said our government does not work properly; it's too big, too expensive and inefficient. So, before Congress goes off passing laws which will create more lawsuits, let's get Congress educated about the impact any new laws will have on our court system.

Congress already gets an assessment of the budget impact for any new legislation. Let's also have a litigation impact statement. It is a very good beginning on the road to reforming the legal system.

And on reforming the legal system, I will have more to say in the coming days. The time is right to undertake comprehensive reform of our legal system. I know it will be a top priority of the Senate Judiciary Committee, and I look forward to working with that committee on this issue.●

By Mr. MCCAIN:

S. 251. A bill to make provisions of title IV of the Trade Act of 1974 applicable to Cambodia; to the Committee on Finance.

MOST-FAVORED-NATION STATUS FOR CAMBODIA LEGISLATION

● Mr. MCCAIN. Mr. President, last year, I introduced legislation to clear up an anomaly in United States law that prohibits the President from granting Cambodia most-favored-nation status [MFN]. Despite my efforts, Cambodia is without MFN and the President is still without the statutory power to grant it. There were many more important issues for Congress to address in 1994. But MFN is very important to Cambodia. And it should be important to all of us interested in a stable and prosperous Southeast Asia. Accordingly, today, I am reintroducing legislation to grant MFN to Cambodia.

Areas of Indochina under Communist control, including significant portions of Cambodia, were denied MFN under the Trade Agreements Extension Act of 1951 and the 1974 Trade Act. Cambodia as a whole was denied MFN in 1975 by Executive action and its new trading status was confirmed by Congress in the 1988 Trade Act.

The 1974 Trade Act provided a process for restoring MFN to those nations then denied it. However, only a portion of Cambodia was denied MFN at the time the 1974 act was signed into law. There is no clear legal authority for restoring MFN to the entire nation under the processes established by the 1974 Trade Act. It cannot be restored by reversing the action taken in 1975 through an Executive order because Cambodia's non-MFN trading status was made law in the 1988 Trade Act. In short, the President wants to grant MFN to Cambodia, but lacks the authority to do so.

The legislation I am introducing would give the President the authority to grant Cambodia MFN status by bringing the entire country under the restoration procedure of the 1974 Trade Act. Under these procedures, Cambodia will have to demonstrate compliance with the requirements of the Jackson-Vanik amendment, reach a bilateral agreement with the United States, and have its status approved by the Congress. The President may also waive the requirements of Jackson-Vanik, which has for political reasons come to mean a policy decision far beyond the original concern for emigration, and immediately upon this legislation becoming law, extend MFN to Cambodia. Cambodia would be eligible to receive MFN by virtually the same process that all other non-MFN countries, except the Baltics, have received it since the signing of the 1974 Trade Act.

I want to emphasize that if this bill becomes law, the President will retain his prerogatives to respond to developments in Cambodia.

Despite some disturbing developments in Cambodia since I introduced this legislation for the first time last May, I remain hopeful for the future of Cambodia. Cambodia's democracy is a very fragile and incomplete one, but it is a democracy. It needs careful attention to fully develop and sustain the rights of the Cambodian people. Promoting economic development through open markets would offer considerable support for Cambodian democracy and demonstrate American concern for its future. I encourage my colleagues to

act on legislation to grant MFN to Cambodia at the earliest possible opportunity.●

By Mr. THOMPSON (for himself, Mr. ASHCROFT, Mr. ABRAHAM, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. FRIST, Mrs. HUTCHISON, Mr. INHOFE, Mr. MACK, Mr. PACKWOOD, Mr. SMITH, and Mr. THOMAS):

S.J. Res. 21. A joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

TERM LIMITS CONSTITUTIONAL AMENDMENT

Mr. THOMPSON. Mr. President, today, I, along with Senator ASHCROFT, will introduce a joint resolution to impose term limits on Members of Congress. This legislation will limit Members of the Senate to two terms and it will limit Members of the House to three terms. The time has come to pass this legislation. It is needed and it has the overwhelming support of the American people. In fact, never has there been an idea so popular that has received so little attention by the U.S. Congress. It is because term limits does not have to do with spending other people's tax money or regulating other people's lives as is the case with most legislation coming out of Congress. This provision, term limits, hits much closer to home. It calls for sacrifice or at least adjustment in the lives of ourselves. At least, with regard to those in Congress who see the Congress as a permanent career. It is time that the Congress put aside the personal interest that individual Members might have and respond to the will of the people, the good of the country, as well as the good of Congress as an institution.

Because term limits is not about punishing Congress or denigrating the institution of Congress, although it has come to the point where many in our society would love to do so. On the contrary. Term limits would strengthen and elevate Congress in the eyes of the American people at a time when it is most needed. Today people feel alienated from their Government and have concluded that Congress does not have the will to deal with the tough challenges that face this country in the future. And who can disagree with that notion. Yesterday we passed out of the Judiciary Committee a balanced budget amendment to the Constitution. I have concluded, as I think most others have, that passage of a balanced budget amendment is absolutely necessary if we are going to avoid bankrupting the next generation. The reason is that Congress doesn't have the political will to do what we all know is necessary. Therefore, we must resort to the straitjacket of a balanced budget amendment. It is a reflection upon us and upon our current system that such a straitjacket is needed. But constitutional amendments with regard to specific matters cannot indefinitely save us from ourselves. We must start developing the will that is necessary to face tough issues. To me that means that we must have more people coming into the system who view service in the U.S. Congress not as a permanent career but as an interruption to a career. I believe that term limits would more likely produce individuals who would take on the tough challenges, since their careers would not be at stake every time they did so. It would also draw them into the system and encourage more citizens to run for office since they would not automatically face the difficult uphill struggle of running against a well-entrenched, well-financed incumbent.

There have been many Members who have served much longer than the limitations of this legislation would allow. A case can be made for the proposition that up until recently our current system has served us pretty well. There is no need to argue that point. However, different times and different circumstances require different measures. As the Federal Government has grown there has been a proliferation of special interest groups each with their demand on the Treasury and each holding a carrot and a stick for every Member of Congress. The carrot is political and financial support. And the stick is mobilizing of their forces in order to try to end a Member's career. So every time a Member takes a tough stand for the benefit of those yet unborn, who do not have votes, his career is on the line. For a Member whose entire future is based upon indefinite continued service, these forces are too often overwhelming. So we now have a $5 trillion debt and a deficit that will start to skyrocket again in 1998. Apparently, we have decided to let our children and grandchildren make the tough choices. That's not being responsible. Surely, we are better than that. We owe it to them to take the measures necessary to give us the best chance of putting ourselves in the position to deal with such problems. That is why we need term limits and I urge my colleagues support.

Mr. ASHCROFT. Mr. President, 1994 was a watershed year in America. Our people spoke with a clarity and intensity seldom heard in the halls of politics. Their voices reverberated across the continent like the revolutionary shot heard round the world at Lexington and Concord two centuries ago.

The voters' voice was a clarion cry for revolution in Washington, DC—a revolution that returns the right of self-governance to the people.

We, the American people, are self governing. We are free people. We have the right to govern ourselves. We have spilt American blood not only across this continent, but around the globe, to preserve our right to self-government.

Fifty years ago, to win the Battle of the Bulge, commanders compelled the cooks, the clerks, and the corpsmen to join the front lines and to defend our freedom of self-governance. For victory, all had to fight, all were necessary, none were excluded. Well, we again must invite everyone to join the battle and participate in victory for self-governance.

Those of us who were in the trenches of politics this year heard the battle cry for reentry by the public into the public policy arena. The citizens of this Nation are determined to regain the right to participate in their government. They want to reopen the door to self-governance—a door that too often has been slammed in their face. We must not slam it in their face again.

The people want the right to self-governance. They want the opportunity to decide on term limits.

Some say that the States can decide on term limits, but the courts have struck those statutes down almost uniformly. In one remaining case, the Arkansas case, the Attorney General, the executive branch, has slammed the door in the face of the people, saying they have no right to make such a determination; States and the people have no right to establish term limits, the executive branch says.

The judicial branch considering the case is likely to slam the door, as well, saying the people have no right to chart the course of their own future, to establish limits on the terms of those of us who have the privilege of representing the people in making public policy decisions here in Washington.

Congress, then, the last remaining branch of Government, holds the key to opening the door of self-governance to the people.

Back in 1951, the Congress sent to the American people the opportunity to enact term limits for the President. Congress could not enact them, but it called upon the people to make a judgment to participate in the process of public policy development.

Presidential term limits were not imposed by the Congress. The door of decisionmaking was swung wide for the people of this great country to decide whether or not they wanted term limits for the President. Indeed, they did decide; they participated. It was good public policy. They ratified the 22nd amendment.

The question is not whether we will provide term limits to America. The question is whether or not we will allow the American people the privilege of participating in public policy determinations, whether we will let the American people decide for themselves whether or not they want term limits for Members of the U.S. Congress.

I have a hint about what the American people believe and how they think. Twenty-two States have already overwhelmingly endorsed this concept. And of the States given the opportunity to make such a decision, the people voting in those States almost uniformly and without exception have endorsed the understanding that people should not go to Washington for an entire lifetime, but should go expecting to return from public service.

The question then is, will we let the people decide or will we slam the door of self-governance in the face of the American people again? We must let the people decide.

It is time for us to acknowledge again the principle of self-governance. Let the people decide.

It is time that we trust our people, the people of America, as our forefathers did. Let the people decide.

Let us demolish the misleading myth that Congress exists to protect people from themselves. We must instead respect the reality that there is wisdom in the people. We must acknowledge the reality that self-governance is not simply a politically expedient idea, it is, in fact, governmentally beneficial.

The people are eager to participate in shaping the tomorrows in which they live and in which all of us work. They are demanding the opportunity to decide whether or not to limit the terms of Members of this body and of the U.S. House of Representatives.

As servants of the people, we must pass a resolution on term limits that recognizes that term limits cannot be in the exclusive province of the House or Senate, but this is a decision to be reached by the American people. This is an opportunity for self-governance.

They have spoken with clarity and intensity this year, saying they want us to reopen the door of opportunity to decisionmaking and let them decide. I submit that we must respond to their call; that we must pass a resolution on term limits and thereby let the people decide to enact or reject term limits as they would apply to the U.S. House of Representatives and the U.S. Senate.

Mr. BOND. Mr. President, my colleague from Missouri comes to the floor for his first floor statement on an issue that will not surprise any of his fellow Missourians, and that is a message of change.

Change is what JOHN ASHCROFT talked about so clearly during his campaign, and now he is doing exactly what he told the people of Missouri he would do if they sent him here—to be a leader for change.

I take great pleasure in cosponsoring this legislation for term limits, because I think this is a very important first step toward doing actually what the people so clearly indicated they wanted done last November 8. It is no surprise to me that JOHN ASHCROFT is leading the way.

JOHN is an old and very dear friend. I have come to know him as an American patriot. He believes in this country and its people. He is able to cut through the fog of confusion that so often surrounds public policy issues. Missourians know him as a plain speaker in the finest Missouri tradition. He knows what he believes and how to say it so everyone knows just exactly what he believes. We once had a President with the same reputation from Missouri. What JOHN ASHCROFT believes is shaped by an upbringing that reflects the essence of middle-American values, its traditions and beliefs.

JOHN is one of three boys raised in Springfield, MO. His family was modest of means, but rich in respect for their community, for each other, and for their God.

Earlier this month, JOHN's father, Dr. J. Robert Ashcroft a highly respected educational and religious leader, passed away after returning home to Missouri from witnessing JOHN's swearing-in as a U.S. Senator in this Chamber. Dr. Ashcroft's passing was a great loss to Missouri, but his contribution, his memory, and his commitment will live on. We have suffered the loss along with JOHN and his family, but we know that he knew his son would continue his efforts to serve, and to serve his fellow man. We all give thanks for Dr. Ashcroft's life and the many lives which he touched while he was with us.

JOHN ASHCROFT has served as Missouri's State auditor—he followed me in that job—and then he served as attorney general, following John Danforth. He followed me as Governor. He understands State government and its relationship with the Federal Government. He also knows something about cleaning up the problems that have been left behind.

At a time when Congress will reexamine the relationship and hopefully return much of the decisionmaking back to the States, Americans will have no better leader than JOHN ASHCROFT.

So we hear today from a plain-spoken Missourian what will undoubtedly be the first of many clearly reasoned, morally grounded floor speeches from our good friend, JOHN ASHCROFT.

I would say that our fellow Senators will understand very well his contributions. We value JOHN ASHCROFT's friendship. We welcome him and his wife, Janet, to Washington. I am confident that all my colleagues will come to know and respect him as I have. It will be a great and very meaningful friendship for all Members.

By Mr. GRAMS (for himself, Mr. LOTT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, and Mr. MACK): Senate Joint Resolution 22. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget; to the Committee on the Judiciary.

THE TAXPAYER PROTECTION BALANCED BUDGET AMENDMENT

● Mr. GRAMS. Mr. President, I am today introducing legislation calling for a balanced budget amendment to the Constitution. I am pleased to be joined by the distingshed majority whip, Senator LOTT, and my colleagues, Senate INHOFE, and THOMAS.

This legislation is what the American people are calling for. It balances the budget, but ensures that it is not balanced on the backs of the American taxpayers.

There is no question that Congress must pass a balanced budget amendment and send it to the States for ratification. For years, Washington has been racking up deficits. In the process, we've racked up $4½ trillion national debt. And sadly, we've got very little to show for it.

Without the balanced budget amendment, Congress will continue it deficit-digging, debt-building ways. That's bad news for the taxpayers and worse news for our children.

If you look at every so-called deficit reduction package Congress has passed in the last decade, you'll find that each one follows a consistent formula. Raise taxes now. Cut spending later.

Tragically, however, once Congress raised in taxes, it always forgot about the spending cuts. So, year after year, taxes would go up, spending would go up, and the deficit would go up, too. It's time to put an end to this madness.

That's why I am today introducing a taxpayer protection balanced budget amendment in the Senate. My amendment would require a three-fifths super majority vote in both houses of Congress to raise taxes.

A supermajority requirement is the best way to show the American taxpayers that Congress is serious about balancing the budget through spending cuts, and not through higher taxes.

That's what I promised the taxpayers of Minnesota during my campaign for the U.S. Senate. That's what they elected me to do. That's what my bill delivers.

Is there enough support in Congress to pass it? If we listen to the folks back home there sure ought to be.

A poll released today by the American Conservative Union that shows that the American people overwhelmingly support the supermajority requirement.

In fact, two thirds of those who already support a balanced budget amendment say that without a supermajority provision, the bill would be a sham.

The people have spoken. A balanced budget must be achieved through cuts in Government spending. Americans are willing to do that, but they aren't willing to be patsies for a big-spending government that just hasn't learned when to say ''no.''

The supermajority requirement is simply good government, and Americans support it just as they support the $500 per-child tax credit. They're tired of watching their paychecks grow smaller while Washington grows bigger.

They voted for change last November, and it's our job to see that they get it.

That's what's best for the taxpayers, that's what's best for our children, that's what's best for Minnesota, that's what's best for America.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 4, a bill to grant the power to the President to reduce budget authority.

S. 11

At the request of Mr. KYL, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 11, a bill to award grants to States to promote the development of alternative dispute resolution systems for medical malpractice claims, to generate knowledge about such systems through expert data gathering and assessment activities, to promote uniformity and to curb excesses in State liability systems through federally-mandated liability reforms, and for other purposes.

S. 22

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 22, a bill to require Federal agencies to prepare private property taking impact analyses.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the names of the Senator from Arizona [Mr. KYL] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 194, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 218

At the request of Mr. MCCONNELL, the names of the Senator from Kansas [Mr. DOLE] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 218, a bill to repeal the National Voter Registration Act of 1993, and for other purposes.

S. 228

At the request of Mr. BRYAN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 228, a bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes.

S. 230

At the request of Mr. DOLE, the names of the Senator from California [Mrs. BOXER] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 230, a bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.

AMENDMENT NO. 144

At the request of Mr. BUMPERS, the names of the Senator from Florida [Mr. GRAHAM], the Senator from North Dakota [Mr. DORGAN], the Senator from North Dakota [Mr. CONRAD], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Amendment No. 144 proposed to S. 1, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential government priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

SENATE CONCURRENT RESOLUTION 2—RELATIVE TO THE REPUBLIC OF CHINA

Mr. DORGAN submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 2

Whereas the trade surplus of the People's Republic of China with the United States has exploded in recent years, increasing from $3,500,000,000 in 1988 to about $30,000,000,000 in 1994;

Whereas the United States share of the People's Republic of China's wheat imports has decreased from 52 percent in 1988 to between 30 and 40 percent in the past 5 years;

Whereas the Government of the People's Republic of China has chosen to increase its purchases of wheat from other exporting nations despite the incentives the United States offers to the People's Republic of China to make United States wheat competitive in the world market; and

Whereas the People's Republic of China's reduction in purchases of United States wheat during a period of rapid growth in the People's Republic of China's trade surplus with the United States aggravates the serious trade imbalance between the 2 nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President, acting under his authority in trade matters, should insist that the Government of the People's Republic of China purchase a majority of the wheat it imports from the United States as an indication that the People's Republic of China is concerned about the trade imbalance between the 2 nations and wants to restore a healthy, reciprocal trading partnership.

SENATE CONCURRENT RESOLUTION 3—RELATIVE TO TAIWAN AND THE UNITED NATIONS

Mr. SIMON (for himself and Mr. BROWN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 3

Whereas, China has been a divided nation since 1949, and the governments of the Republic of China on Taiwan (hereinafter cited as ''Taiwan'') and the People's Republic of China on Mainland China (hereinafter cited as ''Mainland China'') have exercised exclusive jurisdiction over separate parts of China;

Whereas, Taiwan has the 19th largest gross national product in the world, a strong and vibrant economy, and one of the largest foreign exchange reserves of any nation;

Whereas, Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994 balloting for local and provincial officials;

Whereas, the 21 million people on Taiwan are not represented in the United Nations and their human rights as citizens of the world are therefore severely abridged;

Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations;

Whereas, Taiwan has much to contribute to the work and funding of the United Nations;

Whereas, Taiwan has demonstrated its commitment to the world community by responding to international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by providing financial donations, medical assistance, and other forms of aid;

Whereas, the world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the Asia-Pacific Economic Cooperation group as a full member, and the accession of Taiwan as an observer at the General Agreement on Tariffs and Trade as the first step toward becoming a contracting party to that organization;

Whereas, The United States has supported Taiwan's participation in these bodies and indicated, in its policy review of September 1994, a stronger and more active policy of support for Taiwan's participation in other international organizations;

Whereas, Taiwan has repeatedly stated that its participation in international organizations is that of a divided nation, with no intention to challenge the current international status of Mainland China;

Whereas, the United Nations and other international organizations have established precedents concerning the admission of separate parts of divided nations, such as Korea and Germany; and

Whereas, Taiwan's participation in international organizations would not prevent or imperil a future voluntary union between Taiwan and Mainland China any more than the recognition of separate governments in the former West Germany and the former East Germany prevented the voluntary reunification of Germany;

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) Taiwan deserves full participation, including a seat, in the United Nations; and

(2) the government of the United States should immediately encourage the United Nations to establish an ad hoc committee for the purpose of studying membership for Taiwan in that organization and its related agencies.

Mr. SIMON. Mr. President, there are more than 180 countries in the United Nations. They range from the world's largest countries in area, in population, in economic output, down to some very small countries indeed, countries that are smaller than some counties in my own State of Illinois. I have nothing against those small countries being members of the United Nations. On the contrary, I feel that any country capable of making a real contribution to the activities of the United Nations should have the opportunity to do so as a full member of that organization.

For that reason, it is all the more unfortunate that a country of 21 million people, a country that has made great strides in consolidating democratic institutions and practices, a country that has become a significant economic power and a major contributor to international assistance efforts—that such a country should find itself closed out of the United Nations.

I am speaking, of course, of Taiwan.

Together with my cosponsor, Senator BROWN, I am pleased to submit today a Senate Concurrent Resolution that reaffirms, as the sense of the Senate, what many of us in this Chamber have already concluded: That Taiwan deserves to participate fully in the United Nations as a full member, and that the U.S. Government should encourage the United Nations to begin studying means to bring this about. Congressman SOLOMON introduced an identical resolution, House Concurrent Resolution 8, earlier this month.

I would especially like to call my colleagues' attention to a particular element of this resolution: namely, that in seeking membership in the United Nations and other international institutions, Taipei does not intend to challenge the current international status of Beijing. Rather, Taiwan would seek admission as part of a divided nation. There are precedents for this; this has worked before. East and West Germany were admitted to the United Nations as separate parts of a divided nation; North and South Korea were admitted to the United Nations as separate parts of a divided nation.

I am pleased that, last June, the Senate agreed to by voice vote a similar resolution expressing the sense that Taiwan should be brought into the United Nations. There have been some changes in the political makeup of the Congress since then. I think that is all the more reason, then, that the Senate should go on record and affirm something that has not changed: Our support for Taiwan's integration into international institutions. I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

UNFUNDED MANDATES ACT

GRAMM AMENDMENTS NOS. 149–150

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments, intended to be proposed by him, to the bill S. 1 to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities and to ensure that the Federal Government pays the costs incurred by those Governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; as follows:

AMENDMENT NO. 149

At the end of the amendment, insert the following:

''( ) AMENDED BILLS AND JOINT RESOLUTIONS: CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amendment form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in paragraph (1) or a supplemental statement for the bill or joint resolution in that amended form.''

AMENDMENT NO. 150

At the end of the amendment, insert the following:

WAIVER.—Subsections (c) and (d) of section 904 of the Congressional Budget and Impoundment Control Act of 1974 are amended by inserting ''408(c),'' after ''313,''.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 151

Mr. LIEBERMAN (for himself, Mr. KERRY, Mr. LEVIN, Mr. LAUTENBERG, Mr. BUMPERS, Mr. DORGAN, Mr. GLENNS, Mr. KERREY, Mr. WELLSTONE, and Ms. MOSELEY-BRAUN) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. supra; as follows:

At the end of the amendment, add the following:

''(6) EXCLUSION.—For purposes of paragraph (1)(B), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

LIEBERMAN (AND OTHERS) AMENDMENT NOS. 151–154

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. KERRY, Mr. LEVIN, Mr. LAUTENBERG, Mr. BUMPERS, and Mr. DORGAN) submitted four amendments intended to be proposed by them to the bill, S. 1, supra; as follows:

AMENDMENT NO. 151

At the end of the amendment, add the following:

''(6) EXCLUSION.—For purposes of paragraph (1)(B), the term ''Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

AMENDMENT NO. 152

At the appropriate place, add the following:

''(6) EXCLUSION.—For purposes of paragraph (1)(B), section 408(c), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

AMENDMENT NO. 153

At the appropriate place, add the following:

''(6) EXCLUSION.—For purposes of paragraph (1)(B), section 408(c), the term 'Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

AMENDMENT NO. 154

At the appropriate place, add the following:

''(6) EXCLUSION.—For purposes of paragraph (1)(B), section 408(c), the term ''Federal intergovernmental mandates' shall not include a provision in any bill, joint resolution, amendment, motion, or conference report that would apply in the same manner to the activities, facilities, or services of State, local, or tribal governments and the private sector.

KOHL AMENDMENTS NOS. 155–157

(Ordered to lie on the table.)

Mr. KOHL submitted three amendments intended to be proposed by him to the bill, S. 1, supra; as follows:

AMENDMENT NO. 155

In lieu of the language proposed to be inserted on page 24, line 21, insert the following: ''; and

''(v) the bill, joint resolution, amendment, motion, or conference report provides that any State, local, or tribal government that already complies with the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report shall not be ineligible to receive funds for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the new mandate.

AMENDMENT NO. 156

In lieu of the language proposed to be inserted on page 24, line 21, insert the following: ''; and

''(v) the bill, joint resolution, amendment, motion, or conference report provides that any State, local, or tribal government that

already complies with the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report can be eligible to receive funds for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the new mandate.

AMENDMENT NO. 157

In lieu of the language proposed to be inserted on page 24, line 21, insert the following: ''; and

''(v) the bill, joint resolution, amendment, motion, or conference report provides that any State, local, or tribal government that already complies with the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report shall be eligible, subject to any conditions to receive funds for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the new mandate.

GLENN AMENDMENTS NOS. 158–159

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 1, supra; as follows:

AMENDMENT NO. 158

On page 2, line 4, after ''Senate'', insert '', after third reading or at any other time when no further amendments are in order.''.

AMENDMENT NO. 159

At line 2, after ''prohibit'', insert ''or prevent''.

BOXER AMENDMENT NO. 160

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1, supra; as follows:

At the end of amendment No. 42 add the following:

SEC. . SENSE OF THE CONGRESS REGARDING ILLEGAL IMMIGRATION.

It is the sense of the Congress that—

(1) the requirements of this Act relating to Federal intergovernmental mandates should apply to—

(A) any provision in legislation, statute, or regulation, that would impose costs upon State, local, or tribal governments to provide services to illegal immigrants; and

(B) any failure of the Federal government to meet a Federal responsibility that results in costs to State, local, or tribal governments with respect to illegal immigrants on or after the date of enactment of this Act of 1995; and

(2) not later than 3 months after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations should develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

(A) education;

(B) incarceration; and

(C) health care.

BINGAMAN AMENDMENTS NOS. 161–163

(Ordered to lie on the table.)

Mr. BINGAMAN submitted three amendments intended to be proposed by him to the bill, S. 1, supra; as follows:

AMENDMENT NO. 161

Insert on p. 13, line 9:

''(7) is a condition of receipt of a Federal license.''

AMENDMENT NO. 162

Insert on p. 13, line 9:

''(7) constitutes a law enforcement provision relating to organized crime.''

AMENDMENT NO. 163

Insert on p. 13, line 9:

''(7) is a requirement for the treatment or disposal of nuclear and hazardous waste.

GRAHAM AMENDMENTS NOS. 164–166

(Ordered to lie on the table.)

Mr. GRAHAM submitted three amendments intended to be proposed by him to the bill, S. 1, supra; as follows:

AMENDMENT NO. 164

At the appropriate place, insert the following:

SEC. . EFFECTIVE DATE.

Title III shall take effect on July 1, 1995.

AMENDMENT NO. 165

On page 6, strike line 3 and all that follows through line 10, and insert the following:

''(ii) would reduce or eliminate the amount of authorization of appropriations for—

''(I) Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

''(II) the exercise of powers relating to immigration that are the responsibility or under the authority of the Federal Government and whose reduction or elimination would result in a shifting of the costs of addressing immigration expenses to the States, local governments, and tribal governments; or

AMENDMENT NO. 166

On page 16, between lines 12 and 13, insert the following:

''(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs to each State, local, and tribal government.

BOXER (AND OTHERS) AMENDMENTS NOS. 167–168

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. REID, and Mr. WELLSTONE) submitted two amendments intended to be proposed by them to the bill, S. 1, supra, as follows:

AMENDMENT NO. 167

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

(a) FINDINGS.—Congress finds that—

(1) there are approximately 900 clinics in the United States providing reproductive health services;

(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion;

(7) persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government;

(8) the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services; and

(9) the President has instructed the Attorney General to order—

(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

AMENDMENT NO. 168

At the appropriate place insert the following new section:

SEC. . SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

(a) FINDINGS.—Congress finds that—

(1) there are approximately 900 clinics in the United States providing reproductive health services;

(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for

certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with person seeking to obtain or provide reproductive health services;

(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion; and

(7) the President has instructed the Attorney General to order—

(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

(c) nothing in this resolution shall be construed to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution.

NICKLES (AND OTHERS) AMENDMENT NO. 169

Mr. NICKLES (for himself, Mr. DOMENICI, and Mr. SHELBY) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. 1, supra; as follows:

At the end of the pending amendment, add the following:

(6) Notwithstanding any other provision of this Act, an agency statement prepared pursuant to Section 202(a) shall also be prepared for a Federal Private Sector Mandate that may result in the expenditure by State, local, tribal governments, or the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year.

LEVIN (AND MCCONNELL) AMENDMENT NO 170

Mr. LEVIN (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 1, supra; as follows:

On page 12, line 18, insert ''age'' after ''gender,''.

WELLSTONE (AND DODD) AMENDMENT NO. 171

Mr. WELLSTONE (for himself and Mr. DODD) proposed an amendment to amendment No. 31 proposed by Mr. GORTON to the bill S. 1, supra; as follows:

At the end of the language proposed to be inserted, add the following:

SEC. . CHILDREN'S IMPACT STATEMENT.

Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order.

LEVIN AMENDMENTS NOS. 172–177

(Ordered to lie on the table.)

Mr. LEVIN submitted six amendments intended to be proposed by him to the bill S. 1, supra; as follows:

AMENDMENT NO. 172

On page 38, after line 25 insert the following:

''SEC. 205. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect with respect to regulations proposed on or after January 1, 1996.''

AMENDMENT NO. 173

On page 26, between lines 5 and 6 insert the following:

(e) REQUESTS FROM SENATORS.—At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct cost of a Federal intergovernmental mandate contained in a bill, joint resolution, amendment or motion of such Member.

AMENDMENT NO. 174

On page 17, insert between lines 17 and 18 the following new paragraph:

''(7) COMMITTEE DETERMINATIONS OF MANDATE DISADVANTAGEOUS TO PRIVATE SECTOR; WAIVER OF POINT OF ORDER.—If a committee of authorization of the Senate or the House of Representatives determines based on the statement required under determines based on the statement required under paragraph (3)(C) that there would be a significant competitive disadvantage to the private sector if a Federal mandate contained in the legislation to which the statement applies were waived for State, local and tribal governments or the costs of such mandate to the State, local, and tribal governments were paid by the Federal Government, then no point of order under subsection (c)(1)(B) will lie.

AMENDMENT NO. 175

On page 33, strike out lines 9 through 12 and insert in lieu thereof the following:

SEC. 107. SENATE JOINT HEARINGS ON UNFUNDED FEDERAL MANDATES

No later than December 31, 1998, the Senate Governmental Affairs Committee and the Senate Budget Committee shall hold joint hearings on the operations of the amendments made by this title and report to the full Senate on their findings and recommendations.

SEC. 108. EFFECTIVE DATE.

This title and the amendments made by this title shall—

(1) take effect on January 1, 1996;

(2) apply only to legislation considered on or after January 1, 1996; and

(3) have no force or effect on and after January 1, 2002.

AMENDMENT NO. 176

On page 24, line 18, strike out ''mandate to be ineffective'' and insert in lieu thereof ''mandate to be ineffective as applied to State, local, and tribal governments''.

AMENDMENT NO. 177

On page 14, line 19 strike ''expected''.

On page 22, line 12 strike ''estimated''.

On page 22, line 22 strike ''estimated''.

On page 23, line 2 strike ''estimated''.

On page 23, line 4 and 5 strike ''a specific dollar amount estimate of the full'' and insert in lieu thereof ''the''.

On page 24, line 8 strike ''estimated''.

On page 24, line 15 strike ''estimated''.

DORGAN (AND HARKIN) AMENDMENT NO. 178

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 1, supra; as follows:

At the end of the bill, add the following:

TITLE V—INTEREST RATE REPORTING REQUIREMENT

SEC. 501. REPORT BY BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) REPORT REQUIRED.—Not later than 30 days after the Board or the Committee takes any action to change the discount rate or the Federal funds rate, the Board shall submit a report to the Congress and to the President which shall include a detailed analysis of the projected costs of that action, and the projected costs of any associated changes in market interest rates, during the 5-year period following that action.

(b) CONTENTS.—The report required by subsection (a) shall include an analysis of the costs imposed by such action on—

(1) Federal, State, and local government borrowing, including costs associated with debt service payments; and

(2) private sector borrowing, including costs imposed on—

(A) consumers;

(B) small businesses;

(C) homeowners; and

(D) commercial lenders.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Board'' means the Board of Governors of the Federal Reserve System; and

(2) the term ''Committee'' means the Federal Open Market Committee established under section 12A of the Federal Reserve Act.

DORGAN AMENDMENT NO. 179

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1, supra; as follows:

At the appropriate place, insert the following:

SEC. . CALCULATION OF THE CONSUMER PRICE INDEX.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Chairman of the Board of Governors of the Federal Reserve System has maintained that the current Consumer Price Index overstates inflation by as much as 50 percent.

(2) Other expert opinions on the Consumer Price Index range from estimates of a modest overstatement to the possibility of an understatement of the rate of inflation.

(3) Some leaders in the Congress have called for an immediate change in the way in which the Consumer Price Index is calculated.

(4) Changing the Consumer Price Index in the manner recommended by the Board of Governors of the Federal Reserve System would result in both reductions in Social Security benefits and increases in income taxes.

(5) The Bureau of Labor Statistics, which has responsibility for the Consumer Price Index, has been working to identify and correct problems with the way in which the Consumer Price Index is now calculated.

(6) Calculation of the Consumer Price Index should be based on sound economic principles and not on political pressure.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a precipitous change in the calculation of the Consumer Price Index that would result in an increase in income taxes and a decrease in Social Security benefits is not the appropriate way to resolve this issue; and

(2) any change in the calculation of the Consumer Price Index should result from thoughtful study and analysis and should be a result of a consensus reached by the experts, not pressure exerted by politicians.

DORGAN (AND OTHERS) AMENDMENT NO. 180

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mrs. KASSEBAUM, AND MR. REID) submitted an amendment intended to be proposed by them to the bill, S. 1, supra; as follows:

On page 38 after line 25, insert the following:

SEC. 205. TERMINATION OF REQUIREMENTS FOR METRIC SYSTEM OF MEASUREMENT.

(a) IN GENERAL.—Subject to subsection (b) and (c) and notwithstanding any other provision of law, no department, agency, or other entity of the Federal Government may require that any State, local, or tribal government utilize a metric system of measurement.

(b) EXCEPTION.—A department, agency, or other entity of the Federal Government may require the utilization of a metric system of measurement by a State, local, or tribal government in a particular activity, project, or transaction that is pending on the date of the enactment of this Act if the head of such department, agency, or other entity determines that the termination of such requirement with respect to such activity, project, or transaction will result in a substantial additional cost to the Federal Government in such activity, project, or transaction.

(c) SUNSET.—Subsection (a) shall cease to be effective on October 1, 1997.

On page 41, between lines 2 and 3, insert the following:

(4) TREATMENT OF REQUIREMENT FOR METRIC SYSTEMS OF MEASUREMENT.—

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be unfunded mandates.

(B) DEFINITION.—In this paragraph, the term ''requirements for metric systems of measurement'' means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, February 7, 1995, at 9:30 a.m., in room 332 of the Russell Senate Office Building. The topic for the hearing is ''What Tax Policy Reforms Will Help Strengthen American Agriculture and Agribusiness?'' For further information, please contact Katherine Brunett of the Agriculture Committee staff at 244–9778.

Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Tuesday, February 14, 1995, at 9:30 a.m., in room 332 of the Russell Senate Office Building. The topic for the hearing is ''What Regulatory Reforms Will Help Strengthen Agriculture and Agribusiness?'' For further information, please contact Terri Nintemann of the Agriculture Committee staff at 244–3921.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, January 19, 1995, in open session, to receive testimony on the condition of the Armed Forces and future trends.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, January 19, 1995, session of the Senate for the purpose of conducting a hearing on the issue of the nomination of Robert Pitofsky, of Maryland, to be Federal Trade Commissioner.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meeting during the session of the Senate on Thursday, January 19, 1995, for purposes of conducting a full committee oversight hearing which is scheduled to begin at 2 p.m. The purpose of the hearing is to review the implications of the North Korean nuclear framework.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on oversight of Jobs Corps, during the session of the Senate on Thursday, January 19, 1995, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, January 19, 1995, at 9:15 a.m., to hold hearings on Senate committee funding resolutions. The committee will receive testimony from the chairmen and ranking members of the following committees: Intelligence, Appropriations, Labor, Indian Affairs, Commerce, Banking, Governmental Affairs, Veterans' Affairs, Armed Services, Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHECHNYA AND THE FUTURE OF RUSSIAN CIVIL SOCIETY

● Mr. SIMON. Mr. President, I am sure that, like me, my colleagues in this Chamber have been appalled by the pictures coming out of Chechnya. There is a grim familiarity to the events taking place there. Massive military force sent by Moscow to take on lightly armed, or unarmed, civilians: this is something we saw in Hungary in 1956, in Czechoslovakia in 1968, in Afghanistan in 1979. We hoped we wouldn't see it again.

With Chechnya, though, we are also seeing something new, and very significant. With the exception of the ultranationalists on the one hand, and the diehard pro-Yeltsin camp on the other, Russian public opinion has risen up in outspoken opposition to a war they feel is not worth the cost. Not worth the cost in lives; not worth the cost in money; not worth the cost to Russia's name in the world community.

Freedom of speech is one of the foundations of a democratic system, and there's no guarantees that that freedom, or that democracy itself, have taken permanent root in Russia. But the reaction of the Russian public to the war in Chechnya is a heartening indication that the first shoots of a civil society are beginning to appear in Russia.

In a recent column William Safire makes this point very well, contrasting the tumultuous energy of Russia's political environment with the deceptive stability of one-party rule in China. I ask that Mr. Safire's column ''Yeltsin's Tiananmen,'' be printed in the RECORD in full.

The column follows:

YELTSIN'S TIANANMEN

WASHINGTON.—Which great power is more unstable today—China or Russia?

The quick answer, of course, is Russia. The elected leader, Boris Yeltsin, is besieged in Moscow after his bloody siege of Grozny, capital of the Connecticut-sized breakaway republic of Chechnya.

Russian television showed vivid pictures of the bombing of that city even as it showed Yeltsin saying it wasn't so; then the cameras showed Yeltsin upbraiding his Defense Minister for making him look like a liar.

As Helmut Kohl telephoned to tell him that world opinion frowns on the savage method his Russia Federation is using to preserve its borders, Bill Clinton wrote a ''Dear Boris'' letter reaffirming support of Federation unity but stressing how ''distressed'' he is at civilian deaths and suggesting mediation by an organization of 53 nations.

What's Yeltsin to do? The Chechens are dead serious about secession. If Russia lets Chechnya go, other Causasian dominoes will fall and Moscow will be denied the Caspian oil it needs to rule a hundred nationalities across 11 time zones.

He tried negotiation, which was met by a declaration of independence; he tried an internal coup, which flopped; now he's trying force, which is bringing world obloquy on his head because the Chechens are fiercely fighting for their homeland and the Russian Army has no heart for a lengthy guerrilla battle, especially after its loss in Afghanistan.

All that—added to Yeltsin's personal punchiness and isolation—is why Russia appears unstable. We tend to equate the future of democracy with the future of Yeltsin, who is on his last leg.

But consider the political miracle taking place in Moscow today. An unpopular and unjust war is being denounced in the Parliament, with reformer Grigory Yavlinsky, openly calling for Yeltsin's resignation. The military is publicly divided between conscience-stricken warriors and hard-line incompetents. Free speech is spilling out all over.

The newspapers, after centuries of czarist and Communist docility, are crusading: a picture of Defense Minister Pavel Grachev is captioned ''the most talentless commander in Russia.'' And the television crews are bringing home the horror of the war just as American cameramen did in Vietnam, with similar impact on Russian public opinion.

This is wonderful. The world should be proud of the Russian people, who should be prouder of themselves for exercising their new-found freedom to debate a great issue.

Contrast that democratic turmoil to the facade of ''stability'' in China. With the death of Deng Xiaoping imminent, the leadership is cracking down on dissidents.

By jailing its leading independent thinkers, the regime in Bejing reveals its inherent weakness. The new imprisonment of the courageous Wei Jingsheng, China's Sakharov, was the tip-off that the leadership fears a popular uprising, this time led by angry workers rather than idealistic students. As Deng sinks, the number of panicky arrests rises.

This demonstrates again that succession in a Communist state is a ruthless wrestle for power within an impenetrable clique. It mocks the assurances of China's Western apologists that a market economy leads to political freedom.

In a litchi nutshell, here's the play:

Yang Shangkun, an old army leader whose powerful family was neutralized by Deng, is close to Adm. Liu Huaqing, the nation's top military leader. They may challenge Deng's protégés, party boss Jiang Zemin and Prime Minister Li Peng, by backing economic chief, Zhu Rongji, or promoting a next-generation politician, Hu Jintao, or by backing Qiao Shi, the former national security adviser and now chairman of the rubber-stamp People's Congress, hereinafter known as ''China's Newt Gingrich.''

What do 1.2 billion Chinese have to say about all this? Zilch. (Analysts in Bejing, aware of the exclusive accuracy of my prediction of Mao's successor in the 70's, will have to puzzle out ''zilch.'') And therein lies real instability.

A monolithic, totalitarian state, repressing the spirit of freedom, only seems secure; we have seen how it can suddenly collapse. A noisy, unruly democratic state, drawing on the legitimacy of free elections, is more secure—no matter how shaky the leadership. That's why Russia is in better political shape than China.●

LEGISLATION RELATING TO THE CLEAN AIR ACT AMENDMENTS OF 1990

● Mr. WARNER. Mr. President, I am pleased today to join as a cosponsor of legislation to require that the Environmental Protection Agency allow States to meet the requirements of the Clean Air Act as intended by Congress by pursuing options that best meet their own circumstances.

As a member of the Committee on Environment and Public Works during the development of the Clean Air Act in 1990, I can confirm that it was recognized that the requirements for an enhanced inspection and maintenance program would require some States to modify their current emission test and repair programs. It was our full intention, however, to allow States to operate a decentralized automobile emissions inspection and maintenance program to meet the requirements of the act.

In developing regulations to implement the enhanced I&M program, EPA did not follow the direction of the Congress and provisions of the statute. Instead, EPA mandated that States operate a centralized testing program by giving States only 50 percent credit toward achieving the 15-percent reduction in emissions if they elected to sponsor a decentralized program.

As States have attempted to work with EPA to develop emission reduction plans that would comply with the act, it has become clear that the Agency is mandating that States implement only one approach. This inflexible approach limits the ability of our States to pursue programs unique to their circumstances. Mr. President, I believe that encouraging States to devise their own programs with assistance from the Federal Government is the crucial element in whether any Federal program is successful or not. As EPA has consistently demanded a centralized testing program which uses the very costly IM–240 equipment, the program is on the brink of failure. States are overwhelmingly rejecting EPA's version of an enhanced I&M program, consumers are losing confidence in the benefits of an automobile emissions program and valuable resources are being wasted.

Mr. President, there is more than one way to ensure that we achieve the maximum amount of automobile emissions reductions in our fight to improve air quality, but EPA is threatening States with the loss of critical highway funds unless States do it only their way.

Mr. President, that is not what the law says and that is not what our States should be required to do.

The Clean Air Act specifically allows for States to demonstrate to the satisfaction of the Administrator that a decentralized program will be equally effective to a centralized testing program. In the case of my State, Virginia has been repeatedly denied the opportunity by EPA to show that their revised decentralized test and repair program would be as effective as a centralized program in meeting air quality standards.

Since early last year, Virginia has attempted to work with EPA to develop a program that would bring the northern Virginia area into compliance with air quality standards. Unfortunately, EPA has been less concerned with the results of my State's emissions reduction plan, than with the process Virginia chooses to achieve these results.

In an effort to comply with the Clean Air Act, Virginia has presented two plans. The first plan was rejected by EPA because it included a decentralized test and repair program with operator certification and more enforcement, as opposed to a fully centralized program operated by State employees or State-hired contractors. The second plan which Virginia has offered has been the subject of extensive discussions, but no final resolution. The last meeting occurred on October 20, 1994, between EPA and Virginia with EPA pledging to respond to the State's proposal. To date, EPA has not responded.

During this time, Virginia has operated under a regulatory determination known as a protective finding for transportation conformity. This designation allows transportation projects to go forward on the assumption that Virginia will soon have an approved emissions reduction plan.

Time is short, Mr. President, and our protective finding expires this month. The EPA has repeatedly stated that, without an approved plan, Virginia would be subject to the loss of over $378 million in annual highway funds which Virginia drivers have paid into the highway trust fund. Also, any new transportation projects proposed for addition to our Transportation Improvement Program until Virginia's 15 percent emissions reduction plan is approved.

These are significant penalties because it means that new major highway plans or modifications to existing plans cannot go forward. Not only would approval for Federal projects be denied, State and local approvals for projects on larger roads would be prohibited.

Mr. President, northern Virginia, an area already choking on traffic gridlock that paralyzes our lives daily and results in a tremendous loss of economic productivity, must not suffer from EPA's bureaucratic inflexibility. Should EPA repeal Virginia's protective finding, 138 million dollar's worth of northern Virginia projects in 1995 alone would be impacted.

Mr. President, these are extremely harsh penalties that bear no relationship to the issues at hand. Virginia has committed to improving air quality to meet the Federal standards. We only ask that we be permitted as provided in the law to select the most cost effective options that will achieve these important goals.

As a member of the Committee on Environment and Public Works, I look forward to working with my colleagues so that we can take prompt action on this important legislation.●

COL. SETH WARNER

● Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut's great Revolutionary War heroes, Col. Seth Warner. Tragically, the accomplishments of this extraordinary American have not been properly heralded by history, and I believe the time is past due for us to honor him. I salute the dedication of Edward S. Caco, Jr., of Roxbury, CT, in researching and recognizing the Colonel's great work and life. I have set forth below a discussion of Colonel Warner's life prepared by Mr. Caco. I can only hope this entry, by Mr. Caco, describing the importance of the Colonel's contribution to American independence, helps to bring the recognition he deserves. I sincerely thank Mr. Caco for his fine work on Colonel Warner's life.

* * * Colonel Seth Warner was born in Roxbury on the 17th day of May, 1743. As a man, he was over six feet tall, and was courageous and commanding. Engaged in the controversy with New York, he was fully prepared to engage in our Revolutionary struggle. He was personally present in many engagements in the northern colonies. It has been reported that General Washington relied especially upon Colonel Ethan Allen and Colonel Seth Warner [who were cousins], considering them as among the most active, daring, and trustworthy of this officers.

Not long after the victories of Ticonderoga and Crown Point, Seth Warner was appointed as a Delegate to the Continental Congress. Shortly thereafter, he was enrolled as part of the regular Continental Army. Seth Warner was appointed the Commander of the regiment by the officers and men, who felt that his calm and wise judgment would serve them best in the serious business of war that lie ahead.

It was at Longueil Canada in 1775 that Colonel Warner fought a rear guard action against the advancing enemy, covering the retreat of General Sullivan. The retreat became a route and it was Colonel Warner that protected the rear and brought up the sick and wounded. The stricken and defeated army made its way to the safety of Crown Point, and later on to Ticonderoga. Though the Colonel was successful in carrying out his orders, it was this flight from the enemy forces which broke his iron constitution and began the malady that would eventually take this life.

Several months later in July of 1776, Seth was again called upon to fight a rear guard action to cover the retreat of General St. Clair's forces from Ticonderoga. At Hubbardton, along with units from New Hampshire and Massachusetts, the Colonel made a stand against a combined unit of British and Hessian forces. During this engagement the Massachusetts unit scattered, and the New Hampshire unit surrendered, leaving Colonel Warner and his men to stand alone. Though his unit was forced off the field, Colonel Warner was entirely successful in the duties to which he was assigned. * * * In spite of his failing health, the Colonel carried out his orders, led his men into battle, and was to have no rest as Burhoyne was on the march.

In August of 1777, General Stark was engaging the Hessians of Burgoyne's command at Bennington. The first action had been fought and the Hessians were already winning the day. A powerful enemy reinforcement was taking to the field when Seth arrived with his regiment. General Stark ordered Seth to ride on the line and order a retreat into the middle of Bennington. Seth refused that order, much to General Stark's surprise, stating instead that he was certain that he could get his men into action on the ground. General Stark agreed and the day was won. Once again it was Colonel Seth Warner's fiery courage and steady judgment that had turned the tide of the battle. General Stark stated in his report to General Washington, ''Colonel Warner's strategy and judgment was of extraordinary service to me.'' In recognition of his valor and service, Seth was promoted to the full rank of Colonel.

It has been said that if Seth had retired from the service at this time, he may have to a certain extent retained his health. However, with Seth the needs of his burgeoning country always took precedence over his own welfare, as well as the needs of his own family. With failing health, Seth continued to fight the ravages of the Indians and the ever present Tories. Not one to remain idle for any length of time, Seth led a scouting party in 1780. It was on this mission that Seth was ambushed by the Indians. In the melee of battle the two officers by his side were killed and Seth received two bullets through his arm. This was the end of Colonel Seth Warner's active military career.

He retired to his Vermont residence for two years to recuperate. In 1783 Seth returned to his native Roxbury and established a homestead. Still in a great deal of pain from his wounds and malady, Seth spent time by the seashore hoping that this would give him some respite. This was to prove fruitless, and he returned to his home where he lingered in suffering and delirium for several months. At times neighbors were needed to assist in his care. Finally, on December 26, 1784, Colonel Seth Warner was relieved of his pain and suffering through his merciful death. * * *

The entry on Colonel Warner's tombstone well summarizes his life.

IN MEMORY OF COLONEL SETH WARNER, ESQ., WHO DEPARTED THIS LIFE DECEMBER 26TH, A.D. 1784. IN THE FORTY-SECOND YEAR OF HIS AGE

Triumphant leader at our armies' head,
Whose martial glory struck a panic dread,
Thy warlike deeds engraven on this stone,
Tell future ages what a hero's done,
Full sixteen battles he did fight,
for to procure his country's right.
Oh! this brave hero, he did fall,
By death, who ever conquers all.

When this you see, remember me.●

ORDINARY HEROES

● Mr. SIMON. Mr. President, all of us watched with agony while a 19-year-old, Nahshon Wachsman, was captured, made a public plea for his life, and then was slain.

People on the Palestinian side, the Israeli side and people of every religious persuasion were hoping and praying that his life would be spared. But it was not.

How do parents face such a tragedy?

The Jerusalem Report has a story about Nahshon's parents. Because it has both the international dimension, and lessons about how to face grief and pain, I ask to insert it into the RECORD at this point.

The article follows:

[From The Jerusalem Report, Dec. 1, 1994]

ORDINARY HEROES

(A month after his son was executed by Hamas kidnappers, only the unshakeable faith of Nahshon Wachsman's parents is enabling them to cope with their grief)

(By Yossi Klein Halevi)

Yehudah and Esther Wachsman's phone doesn't stop ringing. The Jewish National Fund wants to plant a forest in memory of their 19-year-old son, Nahshon, kidnapped and killed by Hamas terrorists in October. A Jerusalem religious school wants Esther and Yehudah to address its students about the dangers of religious extremism. The Kfar Saba municipality wants them as guests of honor at a rally for national unity.

Families afflicted by terror attacks are usually considered victims, not heroes. Yet the Wachsmans, whose quiet dignity during the kidnapping ordeal riveted the country, have become symbols of strength—at a time when Israelis fear that their ethos of courage is slowly being sapped by exhaustion and prosperity. Rabbis who came to the Wachsmans to impart religious inspiration were instead inspired by their faith; Knesset Speaker Shevah Weiss and the commander of the Golani infantry brigade in which Nahshon served emerged from the Wachsman home repeating virtually the same words: We came to strengthen the Wachsmans, but were instead strengthened by them.

Yehudah, in a knitted yarmulke and sandals, and Esther, in a beret and denim skirt, shattered the stereotype of the Israeli Orthodox Jew as extremist and intolerant. Esther appealed to her son's kidnappers to remember that they all worshiped the same God; and the army's failed attempt to rescue Nahshon, Yehudah thanked the Muslims and Christians who had prayed for his son, and offered to meet with the parents of Nahshon's killers. And despite anonymous right-wing callers demanding that he stay away, Yehudah accepted an Israeli government invitation and attended the signing ceremony for the Israeli-Jordanian peace treaty, just days after he completed the shivah mourning period for Nahshon.

The Wachsmans managed to emotionally unite the country, however briefly, in a way it hadn't know in years. Tens of thousands of Israelis, from secularists to ultra-Orthodox, joined prayer services for Nahshon's safety and lit an extra Sabbath candle on the Friday night that he died. Weeks after Nahshon's death, thousands of letters are still coming to the Wachsman home in Jerusalem's Ramot neighborhood—not only from Israelis but from people around the world, many sending poems and taped messages of support.

The Wachsmans insist they are ordinary people; and indeed, the middle-aged, modern Orthodox couple are unlikely heroes. Yehudah and Esther, both 47, are short, sturdy, wide-faced. Yehudah, with a long graying beard, paunch and piercing eyes, speaks with an intensity softened by ironic humor. Esther's little-girl voice—callers for Yehudah often ask her if her father is home—is deliberately calm: The mother of seven sons, she learned to keep steady through the chaos of daily life.

Yehudah and Esther are both children of Holocaust survivors; and that experience affected them in very different ways. Yehudah grew up in Romania and moved to Israel at age 11. The war destroyed his father, who became closed and bitter. ''I saw what anger could do to a person,'' says Yehudah. ''And I

decided that if I ever experienced tragedy, I would react in the opposite way from my father.''

Life provided him with opportunities to fulfill that challenge. One of their sons, 8-year-old Rafael, has Down's syndrome. Yehudah himself lived for years on dialysis, finally undergoing a kidney transplant four years ago which forced him to quit his job as a math teacher and work from his home, selling real estate. Yehudah thought of his father, a broken, silent man shuffling between work and home; and refused to be bitter.

Esther grew up in Flatbush, cherished daughter of Polish survivors. ''I was the national treasure, the consolation,'' she says, with a wry smile. ''I was never allowed to be unhappy. The rule of the house was: Never tell me upsetting news. And of course I wouldn't say anything that would upset my parents.''

Indeed, just after Nahshon's death, Esther had one overriding thought: that her 83-year-old father, silenced by a stroke and living in Queens, mustn't be told. ''The same business: Don't upset them.''

Esther says that, as a teenager, she was a ''typical JAP. If I wore the pink dress on Tuesday that meant I couldn't wear it for another week.'' But then her life changed when she visited Israel in 1967, and fell in love with the country. Back in New York, where she was studying to be a teacher, she felt like a hypocrite, praying for a return to Zion when Zion was so easily accessible. In 1970, she returned to Jerusalem, and got a job helping run a Jewish Agency summer camp for American teenagers. One of the camp counselors was Yehudah Wachsman. Four months later, they married.

Becoming the mother of soldiers—Nachshon and his two older brothers all served in Lebanon—forced Esther to confront mortality, and reconsider the values on which she was raised. ''I spent years glued to the radio, waiting for news,'' she says. ''Living in Israel made it impossible for me to remain what I was.''

Less than a month after the tragedy, the atmosphere in the Wachsman home is deliberately normal. Friends drop by, everyone speaks in conversational tones, the Wachsman boys exchange small jokes. Immediately after the shivah, each of the boys individually approached Esther and Yehudah and said: Let's not allow this home to turn gloomy. ''I realized I had no choice but to go on,'' says Esther. The boys were sent back to school, and Esther resumed her job teaching English at the elite Hebrew University High School. Most of all, the family has tried to maintain the home's relaxed atmosphere—a place where friends of the Wachsman boys feel so comfortable that over the years some have virtually moved in.

Even now, grief doesn't suppress the good-natured teasing that marks Esther and Yehudah's relationship. When they discuss their political positions with me—he supports the peace process with reservations, she opposes it with reservations—they pretend to be exasperated with each other. Esther: ''My husband is unique, there is no one else with quite his point of view.'' Yehudah: ''If she says so, it must be true.'' Then they smile: They are amused, not annoyed, by their differences.

Inevitably, though, the home bears traces of the ordeal. A table in a corner is piled with prayer books and yarmulkes: During the week of the kidnapping, there was nonstop communal praying here. On a makeshift charity box are written words urging those who place money into it to say a prayer for Nahshon's safe return. And mounted on the breakfront is a picture of Nahshon, smiling and wearing a T-shirt with the words: ''I've been drafted.''

Esther manages a smile when speaking of Nahshon. ''He was in an elite unit, the shortest, thinnest kid among big, brawny fellows. They called him the baby of the unit. But he was the one who encouraged them in Lebanon. They used to say to him, 'Nahshon, this is hell, wipe that smile off your face.' And he'd say, 'Everything will be okay, let's just do our job.'

''Nahshon epitomized non-conflict. He couldn't stand it when his brothers fought. If his parents argued about something, he'd say, 'Is it really so important?'''

Esther and Yehudah see that quality of peacemaking as a hint of Nahshon's destiny. Everyone has a mission in life, they believe; and since the kidnapping created such a powerful sense of unity among Israelis, perhaps that was related to Nahshon's mission.

Esther says that, during the entire week of the kidnapping, she was certain that Nahshon would return alive, that the outpouring of prayer around the country would somehow protect him. She doesn't believe those prayers were wasted. ''Prayers don't get lost. Jews prayed for 2,000 years to return to Israel. Our generation made it back. Eventually the time comes for the fulfillment of prayers. The soldiers who tried to save Nahshon could have all been killed—maybe the prayers protected them.''

She rejects self-pity as firmly as religious doubt. ''I don't ask: 'Why me? Why anyone?' Look how many people lost entire families in the Holocaust. You pick yourself up and go on. That's part of Jewish history.''

In fact, both Esther's and Yehudah's fathers lost their first wives and some of their children in the Holocaust. And though neither says so, it is clear that their parents' ability to create new families after the war has strengthened their own life-force.

But for all their optimism and faith, the Wachsmans have an account to settle with God. Esther: ''When Yehuah was on dialysis, I said to God, 'This is as bad as it can get.' Then my son Rafael was born with Down's syndrome and I said, 'OK, God, You can't do anything worse to me than this.' When Nahshon died, I thought, 'You really did do something worse.'

''I work with non-believing people. They think I'm protected from pain by my faith. But the grief is just as severe; the only thing faith does is keep me sane. I'd break down if I didn't believe there was some master plan, that every person was put on Earth for a purpose. But''—her voice turns to an emphatic, almost angry whisper—''it does not lessen the pain.''●

TRIBUTE TO JUDGE GILBERT CALVIN STEINDORFF, JR., RETIRED PROBATE JUDGE IN BUTLER COUNTY, AL

● Mr. SHELBY. Mr. President, I rise today to honor Judge Gilbert Calvin Steindorff, Jr., retired probate judge in Butler County, AL. Judge Steindorff dedicated his life to the service of the citizens of Butler County and for that we are eternally grateful.

Judge Steindorff's first service to his country was a tour of duty in the Army during World War II. In February 1946, he returned to Butler County to help his father run the family business. Not long after his return from France he married Maxine Darby, his wife of nearly 50 years. The couple has one son, Gilbert Calvin Steindorff III, who lives in Montgomery with his wife Debbie and Calvin's grandson, Gilbert Calvin Steindorff IV.

In February 1947, after selling the family business, his service to the citizens of Butler County began. With the support of many influential people in the county, he was chosen from a field of eight applicant to replace Butler County Tax Assessor Frank Herlong at the young age of 21. He served at this post for the next 28 years.

In 1975, then Probate Judge James T. Beeland became ill and would not resign until he was sure Calvin Steindorff would take his place. Calvin has been there ever since. He was well known throughout Greenville and Butler County as one who is ready to listen and eager to help with everything including road work and garbage pickup. His desk was always neat and his demeanor cheerful. The people of the county warmly refer to him as ''Judge.''

Judge Steindorff called his office his second home and is not sure how he will spend his time now that he does not head for the Butler County Courthouse at the crack of dawn every morning. He may spend more time fishing, woodworking, and working on his antique clock collection, but it is certain that many will miss seeing the ''Judge'' regularly on the streets on downtown Greenville.

Judge Gilbert Calvin Steindorff, Jr. has spent his life serving the people of Butler County with devotion, commitment, and selflessness. He is an example to us all.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Bennett Johnston:									
United Kingdom	Dollar		682.00						682.00
France	Franc	7,387.08	1,356.00					7,387.08	1,356.00
United States	Dollar				3,245.15				3,245.15
W. Proctor Jones:									
United Kingdom	Dollar		682.00						682.00
France	Franc	7,387.08	1,356.00					7,387.08	1,356.00
United States	Dollar				3,245.15				3,245.15
Total			4,076.00		6,490.30				10,566.30

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Oct. 7, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Carl Levin:									
China	Dollar		298.68						298.68
Richard Fieldhouse:									
China	Dollar		365.39						365.39
Total			664.07						664.07

SAM NUNN,
Chairman, Committee on Armed Services, Oct. 1, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Larry Pressler:									
United States	Dollar				3,864,05				3,864,05
United Kingdom	Pound	552.67	849.00					552.67	849.00
France	Franc	6,202.08	1,168.00					6,202.08	1,168.00
Jacqueline Arends,:									
United States	Dollar				2,947.05				2,947.05
United Kingdom	Pound	736.89	1,132.00					736.89	1,132.00
France	Franc	6,202.08	1,168.00					6,202.08	1,168.00
Samuel Whitehorn:									
United States	Dollar				422.13				422.13
Canada	Dollar	554.09	412.27					554.09	412.27
Alan D. Maness:									
United States	Dollar				422.13				422.13
Canada	Dollar	227.49	169.26					227.49	169.26
Total			4,898.53		7,655.36				12,553.89

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, Oct. 14, 1994.

AMENDED—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM APR. 1, TO JUNE 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl W. Comstock:									
United States	Dollar		243.62						243.62
Total			243.62						243.62

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, Sept. 14, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Bradley:									
Mexico	Dollar		148.52						148.52
United States	Dollar				906.95				906.95

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Foulon:									
Mexico	Dollar		190.36						190.36
United States	Dollar				906.95				906.95
Total			338.88		1,813.90				2,152.78

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Sept. 30, 1994.

ADDENDUM—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Rockefeller:									
Japan	Dollar						1,981.83		1,981.83
Total							1,981.83		1,981.83

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Sept. 30, 1994.

ADDENDUM—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Patrick Moynihan:									
France	Franc						131.94		131.94
Total							131.94		131.94

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Sept. 30, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lisa Alfred:									
Burundi	Dollar		142.00						142.00
Egypt	Dollar		600.00						600.00
Ethiopia	Dollar		450.00						450.00
United States	Dollar				2,612.90				2,612.90
T. Scott Bunton:									
Egypt	Pound	2,349.27	693.00					2,349.27	693.00
United Kingdom	Pound	151.06	233.00					151.06	233.00
United States	Dollar				4,138.95				4,138.95
Geryld B. Christianson:									
Austria	Schilling	10,661.78	960.00					10,661.78	960.00
United States	Dollar				972.35				972.35
Christopher J. Walker:									
South Africa	Rand	5,656	1,580.00					5,656	1,580.00
Botswana	Pula	246	460.00					246	460.00
United States	Dollar				3,690.45				3,690.45
Total			5,118.00		11,414.65				16,532.65

Claiborne Pell,
Chairman, Committee on Foreign Relations, Oct. 25, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Howard Walgren			1,187.00		2,482.85				3,669.85
Gary Reese			1,085.00		2,482.85				3,567.85
Donald Mitchell			884.82		2,482.85				3,367.67
Christopher Straub			816.00		3,239.65				4,055.65
Total			3,972.82		10,688.20				14,661.02

DENNIS DeCONCINI,
Chairman, Select Committee on Intelligence, Oct. 18, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JULY 1 TO SEPT. 30 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Marlene Kaufmann:									
United States	Dollar				2,371.55				2,371.55
Estonia	Dollar		468.00						468.00
Germany	Dollar		232.						232.00
Michael Ochs:									
United States	Dollar				3,945.35				3,945.35
Uzbekistan	Dollar		750.00						750.00
Erika Schlager:									
United States	Dollar				871.15				871.15
Slovakia	Dollar		713.30						713.30
Czech Republic	Dollar		560.00				87.17		647.17
United States	Dollar				1,480.95				1,480.95
Poland	Dollar		925.00						925.00
Samuel Wise:									
United States	Dollar				1,796.35				1,796.35
Czech Republic	Dollar		825.00						825.00
Austria	Dollar		720.00						720.00
Poland	Dollar		555.00						555.00
Total			5,748.30		10,465.35		87.17		16,300.82

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe, Sept. 25, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND THE REPUBLICAN LEADER OCT 1, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Dodd:									
Haiti									
Senator John Warner:									
Haiti									
Senator Claiborne Pell:									
Haiti									
Senator Carl Levin:									
Haiti									
Senator Judd Gregg:									
Haiti									
Senator Paul Coverdell:									
Haiti									
Janice O'Connell:									
Haiti									
Christopher Walker:									
Haiti									
Romie L. Brownlee:									
Haiti									
David Lewis:									
Haiti									
Kristen Brady:									
Haiti									
Sally Walsh:									
Haiti									
Delegation expenses: [1]									
Haiti							3,228.68		3,228,68
Total							3,228.68		3,228,68

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384.

GEORGE J. MITCHELL,
Majority Leader
and
ROBERT J. DOLE,
Republican Leader, Oct. 27, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT PRO TEMPORE FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sharon Waxman:									
Jordan	Dinar	415.80	600.00					415.80	600.00
United States	Dollar				2,568.17				2,568.17
Total			600.00		2,568.17				3,168.17

ROBERT C. BYRD,
President pro tempore, Oct. 7, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
Egypt	Pound	2,349.27	693.00					2,349.27	693.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JULY 1, TO SEPT. 30, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United Kingdom	Pound	151.06	233.00					151.06	233.00
United States	Dollar				4,129.95				4,129.95
Kate English:									
Egypt	Pound	2,349.27	693.00	568	168.00			2,917.27	861.00
United Kingdom	Pound	151.06	233.00					151.06	233.00
United States	Dollar				3,272.95				3,272.95
Total			1,852.00		7,570.90				9,422.90

GEORGE J. MITCHELL,
Majority Leader, Oct. 27, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b). FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JULY 1, TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alan K. Simpson:									
Egypt	Pound	2,349.27	693.00					2,349.27	693.00
United States	Dollar				3,648.15				3,648.15
Elise Gemeinhardt:									
Egypt	Pound	2,349.27	693.00	568	168.00			2,917.27	861.00
United States	Dollar				2,121.15				2,121.15
Total			1,386,00		5,937.00				7,323.30

ROBERT J. DOLE,
Republican Leader, Nov. 1, 1994.

A WORD FROM THE ORIGINAL MCGOVERNIK

● Mr. SIMON. Mr. President, two of the people who have lead our Nation, who have been described as extremists wrongfully are our former colleagues, Senator Barry Goldwater and Senator George McGovern.

I had the privilege of chairing the McGovern campaign in Illinois in 1972, and I have never regretted that, and I've always had great pride in what he stood for.

Recently, he had a response to comments of the Speaker of the House that I think merit reproduction in the CONGRESSIONAL RECORD.

At this point, I ask to insert the article into the RECORD.

The article follows:

[From the Washington Post Dec. 1994]

A WORD FROM THE ORIGINAL MCGOVERNIK—MY LIBERALISM HASN'T FAILED; IT JUST HASN'T BEEN DEFENDED

(By George McGovern)

Dramatic Democratic losses in the recent elections have prompted many commentators to assume that the Democratic leadership is too liberal for the majority of Americans. President Clinton, who only two years ago ran as ''a new Democrat'' with a centrist appeal to the middle class, is now said to be an unacceptable ''liberal,'' or a ''leftist,'' or—horror of horrors, according to Newt Gingrich—a ''counterculture McGovernik.''

My problem with this new adjectival status is that in truth I haven't really earned it. Having grown up on the plains of South Dakota in the Great Depression as the son of a politically conservative, fundamentalist Methodist minister; having worked my way through school and college; having served my country as a bomber pilot in World War II; having been elected to high office for nearly a quarter of a century by South Dakota voters (hardly a radical bunch) and having been married to Eleanor McGovern, my college sweetheart, for 50 years, I don't feel very ''countercultural.''

If Rep. Gingrich, as a one-time professor of history, ever looked at my history he would quickly discover that I am as American as apple pie. He would also discover that I have loved this troubled nation more than life itself. Its inaccuracy aside, Gingrich's epithet expresses the prevailing view of the moment: that the liberal tradition with which I am associated is out of favor.

The conventional wisdom holds that the voters threw out the Democrats in November because both the White House and the Congress were still clinging to the ways of liberalism. It is further argued that if the president is to recover in time to be re-elected in 1996, he must quickly move further to the right, or at least cling more vigorously to the middle of the road.

My conviction is that the Democratic Party has lost the confidence of the American people, not because it is too liberal, but because it has neither kept faith with the historic values of liberalism nor defended those values to the public. I also believe that the Republicans are on shaky grounds in that they have not kept faith with the historic values of conservatism. Rightist demagoguery is not conservatism and is not an acceptable formula for ruling the country. Republicans, however, with the considerable help of the loudest radio talk show hosts, at least give lip service to the virtues of conservatism while mercilessly denigrating liberalism, even as Democrats are increasingly embarrassed by any mention of their liberal heritage.

Although I have had personal affection for Bill Clinton ever since he toiled in my unsuccessful 1972 campaign for the presidency, I am aware that he and his current team have been wary of any public association with ''McGovernism.'' Nonetheless, I believe the president has already achieved much that is meritorious—a practical deficit reduction and job-creating agenda, freer international trade, the Family Leave Act, a domestic service corps and a strong crime bill, to name a few accomplishments. But one wonders, notwithstanding their caution about the likes of me, if either the White House (or the newly elected Republican Congress) will escape the continuing voter discontent two years from now.

For all the talk of the Republican resurgence, the public does not have much faith in either major party. Nor does the public believe that it makes much difference in their lives which party is in power. Half of America's eligible voters no longer vote at all; only 39 percent of the potential voters went to the polls this November. The bulk of those who do vote tell the pollsters that they don't expect their lives to improve, even if their party wins.

Both liberalism and the Democratic Party have lost their way because, too often, Democratic politicians neither practice nor defend liberalism. Instead Democrats, like the Republicans, have yielded to entrenched special interests that determine the priorities of government, the nature of government spending, the tax laws, the federal regulatory structure and, of crucial importance, campaign contributions and political influence. The two major parties have converged—and lost public respect—as each has become more and more beholden to the same well-funded and well-organized masters.

For example, neither party is willing to challenge the ''military-industrial complex,'' which President Eisenhower so powerfully warned against in 1960. As a veteran of combat in of World War II, I have always favored a strong national defense. The United States has maintained the strongest defense of any nation in the world for half a century, doubtless considerably beyond what was necessary. Certainly the time is long overdue for us to convert a portion of our skilled and admirable defense forces to urgently needed civilian purposes.

Our defeated World War II enemies, Japan and Germany, rebounded to become major world powers and our toughest competitors by concentrating their best scientists, engineers and managers on modernizing their industries while we and the Soviet concentrated on the cold War. The excesses of our obsolete Pentagon budget are now eating up tax dollars, talent and manpower—all of which we need to rebuild our deteriorating and inadequate bridges and streets, roads

and tunnels, transit and rail systems, water and sewage facilities, parks and forests, environmental and alternative energy systems, moderate-priced homes and wholesome day-care and recreational facilities. If such constructive, job-creating public investments represent ''pork,'' as some alleged conservatives claim, is it not wiser to have more pork for national enhancement and less for Pentagon waste?

Until the Democratic Party honestly confronts and converts a portion of the money and resources still being devoured by our outsized military establishment, it will be neither a liberal party nor a party worthy of public enthusiasm. This is the most glaring weakness of the Clinton-Gore team; it is still living with the budget of a now-dead Cold War era.

Voters are not so discontent with liberalism as with the fact that the whole structure of our government is heavily weighted on the side of those who contribute the most campaign money to the politicians of both parties. These contributions secure the surest access to those politicians once elected and re-elected. The lawyers and lobbyists who serve as the middle-men in these transactions prosper in the nation's capital no matter which party is in power.

There are also excessive federal regulations and red tape that complicate and weaken our private economy—especially small business. I learned this when, after my career in the U.S. Senate, I owned and ran a motel in New England. Excessive regulatory reporting and needlessly complicated paperwork combined with excessive legal litigation and lawsuits of all kinds are adding billions of dollars in waste to our economy.

It is said that the nation's problems stem from liberal rule, that the Democrats, and therefore the liberals, have been running the Congress and the federal government over the last half century. The truth is that for most of the last 50 years, a coalition of Republicans and equally conservative Southern Democrats has dominated the congressional agenda. Furthermore, the White House, since the Truman administration, has been in Republican hands for 28 years and in Democratic hands for 14, including six years by two moderate Southern governors, Jimmy Carter and Clinton, who have avoided even mentioning liberalism.

The results of the eclipse of liberalism have been predictable as they are discouraging. As matter now stand, the government deck is stacked in favor of the well-connected against the ordinary American—on taxes, on government largess and on the impact of the federal budget. Again we are hearing that by favoring those at the top, government actually helps everyone—by encouraging greater investment in job-creating enterprises. There may be some partial truth in this claim of the so-called ''supply-side economics.'' The painful fact of life remains, however, that for the past 30 years, the top 20 percent of the American public has been doing better, while the remaining 80 percent have seen their real income go down.

So when Clinton administration spokesmen talk proudly of economic growth, their words ring hollow to most Americans. Growth continues to be concentrated at the top—not among those in the middle or below. When Republican leaders talk fondly of the tax cuts of the 1980s and promise more of the same, the average American knows that his or her taxes did not go down in the 1980s, nor will they go down in the 1990s.

Permit me to suggest one valuable step that the American people could readily understand and appreciate: extend the existing Medicare system, which now finances health care for Americans 65 and older, to those 6 years of age and under. This is a one-sentence health care bill that requires no new federal bureaucracy. It simply calls on the existing Medicare structure to extend the same benefits to little children that we now provide to older Americans. We could then evaluate its effectiveness for a couple of years and decide whether to extend the same system in stages to others.

It is all well and good to listen to the prescriptions of the ''New Democrats'' or ''neoliberals'' or ''neoconservatives'' to get out of this mess. But I think we can also learn from the wisdom of old-fashioned Democrats and Republicans, from old-fashioned liberals and conservatives. With the harsh and negative language of the recent election still ringing in our ears, it might be well to recall George Washington's warning about ''men who are governed more by passion and party than by the dictates of justice, temperance and sound policies.''

My parents honored the Constitution, advocated fiscal integrity and opposed excessive government intervention. In their personal and public lives, there was no tolerance for lying, dishonesty, hypocrisy or deception. They would have been horrified by the enormous deficit of the 1980s run up during their party's control of the government.

While honoring conservatism and borrowing from it, I am proud to be a liberal because I believe that liberalism is responsible for most of the innovative public initiatives that have enriched the lives of people during my lifetime. Those initiatives—Social Security, Medicare, home mortgage tax deductions, the Tennessee Valley Authority, rural electrification, public assistance for the poor, the national parks and forests, the GI Bill of Rights, farm price supports, school lunches and student loans, civil rights, collective bargaining and environmental legislation—have been a blessing to all Americans. Of course, such liberal initiatives should be, and have been, challenged by a conservative critique to avoid excesses and maladministration.

It is, in fact, the creative tension between conservatism and liberalism that is the genius of American democracy. The nation suffers when either of those traditions is denigrated or undefended, as is now the fate of liberalism.●

DEPARTMENT OF TRANSPORTATION'S PROPOSED REGULATION ON AIRCRAFT DISINSECTION

● Mr. LEAHY. Mr. President, yesterday the Department of Transportation proposed regulations that will inform American air travelers about the chemicals they are exposed to on some international flights. Ten million American air travelers are sprayed without their knowledge or consent with a pesticide that says right on the can ''avoid breathing; avoid contact with skin and eyes.'' Aircraft disinsection is uncomfortable for all passengers. But for the millions of Americans with chronic breathing problems or chemical sensitivities, the effect can be much more serious.

In July, the Department of Transportation, at my urging, published a list of 28 countries that require incoming flights to be disinsected. Since that list was made public, seven of those countries have ended the spraying requirement. That translates into over 5 million Americans a year who will no longer spend 30 minutes of their flight breathing an insecticidal spray that the Centers for Disease Control and Prevention has described as unsafe and ineffective. Those seven countries determined that the health concerns raised by spraying, and their affect on the travel decisions of American passengers, outweighed the questionable benefits of on-board aircraft disinsection.

Imagine the response these regulations will bring. Every American passenger will be informed when purchasing their tickets if the flight they are on will be sprayed with an insecticide. I have been working to bring this information to American travelers for over a year, and I applaud Secretary Peña for taking the necessary steps to accomplish that goal.

Having a list of countries that require spraying does little good if consumers do not have access to that information. Passengers have the right to know before purchasing their tickets whether they will be sprayed with an insecticide during their flight.

While this is a giant step in the right direction, these regulations could be made even more effective. I am concerned that the regulations cover only the on-board spraying of insecticides and not an alternative, residual method. While passengers are not present when the pesticide is applied using the residual method, the chemical remains active in the plane's cabin for much longer—typically 6 to 8 weeks. In addition, the product used for the residual treatment is a possible carcinogen that is not registered for this use in the United States. Any passenger notification should certainly include this process which may pose as much of a threat to the health of passengers and crew as the aerosol spray.

Also, under the Department's regulations, passengers are only informed if the first leg of their flight will be sprayed. Obviously, most passengers have no intention of stopping at that point and might be misled into believing that their flight will not be sprayed. Passengers should be informed at the time of booking if their flight will be sprayed before reaching its final destination.

Of course we cannot completely protect air travelers from this unwelcome dose of insecticide until all countries agree to end this ineffective practice. I introduced a concurrent resolution that was passed in the last Congress urging the United States to take a strong stance against the spraying of pesticides on airlines at the meeting of the International Civil Aviation Organization in the spring.

I am encouraged by the progress that Secretary Peña has made on this issue, and I hope that he will continue to work with myself and other Members of Congress to ensure the safety of all airline travelers.●

NEED FOR MORE DRUG TREATMENT FACILITIES

● Mr. SIMON. Mr. President, we need to make a commitment to expand drug treatment facilities. Recently, there was an article in the Chicago Sun-Times estimating that there are only about 1,000 patient beds available in the Chicago area for people who want treatment. The Chicago Police Department projected that they would have 45,000 narcotic arrests by the end of the year. There is virtually no place for offenders to turn for help.

This problem is not unique to Chicago. Across the country in both urban and rural areas the demand for treatment greatly outweighs the available slots.

Mr. President, I ask that the full text of the article be printed in the RECORD. I hope that my colleagues will read this article and work with me to expand treatment slots.

The article follows:

[From the Chicago Sun-Times, Nov. 14, 1994]

DRUG 'STORES' NEVER CLOSE

(By Mary A. Johnson)

It's early in the day and most Chicagoans are headed for work at their legitimate jobs.

In Lawndale and Garfield Park, hundreds of young black men and women are headed for work, too: to street corners where they'll sell drugs.

Here drugs are sold like candy, Ald. Ed H. Smith said at a recent City Council hearing, pleading with Police Supt. Matt Rodriguez to help in his 28th Ward.

And indeed, drug sales flourish at more than 25 locations this day as Smith drives around the West Side neighborhoods.

It's a ''24/7 operation'' (24 hours a day, seven days a week) that puts money in the pockets of hundreds of people in an area otherwise dry of economic opportunity. This activity is part of an area drug industry estimated to generate as much as $7 billion in annual revenue.

For Mayor Daley, it's one reason to lead a caravan of buses to Springfield Tuesday to fight for passage of a Safe Neighborhoods Bill during the legislative veto session.

The bill would impose stiffer penalties on youngsters who commit drug offenses using firearms.

It also would amend Illinois sentencing laws by extending prison terms for ringleaders of drug-related groups of at least five people. And it requires community service and periodic drug testing for anyone convicted of possession of controlled substances.

Daley and Smith believe the new law would help control what Smith saw coming a decade ago.

For 12 years, he has been alderman for the area bounded by Laramie on the west, Western on the east, Chicago on the north and 16th on the south. Unemployment is about 56 percent.

Nearly 10 years ago, he led a march to complain that police were denying that crack cocaine had hit city streets. These neighborhoods were about to become a ''killing field,'' Smith warned.

His cry today is similar.

''Our local police have come here when we call them, but still, there are too many drugs on the corner,'' Smith said. ''Too many guns loose on the street. The drugs are not leaving the streets fast enough, and it's too easy for drugs to come in. That is a police problem.''

As Smith drives through the neighborhoods, pointing out hot spots for drug activity, dealers flash money and pass bags at St. Louis and Carroll, within a block of Flower Vocational High School. It's a location identified as a drug hot spot two years ago by a Sun-Times investigation.

About 100 young men dispatched to 25 different locations are at work on neighborhood street corners, hustling dime bags of crack cocaine and heroin like newspaper vendors hawk morning papers at major thoroughfares.

In the 4400 block of West Washington Boulevard, three young men, hands buried deep in their pockets, walk briskly to their jobs selling narcotics. Another youngster is already there looking out for police.

In the 4500 block, a group of kids is gathered on the corner, soliciting customers by shouting ''Blow,'' ''Rocks,'' street names for crack and heroin.

On the steps of an abandoned building in the middle of the block, another group waits for roadside customers.

One block to the south, a man with a cane sits in the open doorway of a graffiti-scarred multi-unit apartment building, watching. According to residents, drug dealers kicked in the outer door of the building and drugs are sold in the entranceway.

Police are about to unveil a pilot program in the area that will target public drug dealing by interfering with the marketplace, Rodriguez said.

And he's hopeful that funds available under President Clinton's crime bill will go toward drug treatment and prevention.

''We have no treatment facilities whatsoever to speak of,'' Rodriguez said. ''I believe we are going to have 45,000 narcotics arrests in the city of Chicago this year—and no place for offenders. That's an astronomical number.''

Police officials, residents and elected officials agree that unless drug prevention and job opportunities are increased in the area, nothing is likely to change. ''There are only about 1,000 inpatient beds avaiable in the city of Chicago for somebody who chose to get out,'' said Harrison District police Cmdr. Douglas Bolling. ''In a city of almost 3 million people, it's a joke.

''It's an incredible business. We have to provide job opportunities, perhaps then some of the people won't stand on the corner and warn drug dealers that police are coming.''

In April, the Harrison District began reverse sting operations, arresting drug buyers instead of sellers. Since then, 1,075 narcotics customers have been arrested. Seventy-five percent of the narcotics customers live outside the area.

Police say that every day they arrest as many suspected dealers as they are able to process, but the market is so lucrative, demand so great and workers so plentiful, the arrests haven't dented business.

It has been estimated that the local drug industry employs 10,000 to 20,000 workers, with a customer base of roughly 400,000.

''From about 11 a.m. to 1 a.m. at night, they are like flies on honey,'' Smith said. ''They get up early to go to work just like they are going to a legitimate job.''

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. DOLE. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in recess as previously ordered.

The PRESIDING OFFICER. There being no objection, the Senate, at 11:55 p.m., recessed until Friday, January 20, 1995 at 10 a.m.

EXTENSIONS OF REMARKS

THE GOVERNMENT PRINTING OFFICE: AN INDISPENSABLE SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. HOYER. Mr. Speaker, I rise today to recognize the outstanding service the U.S. Government Printing Office provides for this body, the other body, the Federal Government, and the citizens of the United States.

The service GPO provides in making the CONGRESSIONAL RECORD available in a quick and efficient manner would be difficult to beat. The employees of the GPO are dedicated and hard working and I applaud their efforts.

The U.S. Government Printing Office provided key printing and information database support to the 104th Congress on its historic opening day session, January 4, 1995.

For January 4, the CONGRESSIONAL RECORD, containing the public proceedings of each House of Congress, totaled 603 pages. Manuscript copy for the RECORD began arriving in the early evening, with the final receipt of copy by 4:30 a.m. on January 5. Because of its size, the RECORD was printed in three parts to ensure at least partial delivery by the opening of Congress the next day. Part I, 128 pages, was delivered before the House and Senate came in at 10 a.m. Part II, 126 pages, was delivered at approximately 1 p.m. The rest of the proceedings, 349 pages, were combined, printed, and distributed with the January 5 issue.

By comparison, the CONGRESSIONAL RECORD for the opening day of the 103d Congress, January 5, 1993, contained 338 pages. In all the 103d Congress generated over 63,500 printed pages of the CONGRESSIONAL RECORD. The largest issue of the CONGRESSIONAL RECORD last year was over 700 pages.

The CONGRESSIONAL RECORD is the most important congressional publication produced at GPO's central office plant in Washington, DC. The RECORD is printed and bound overnight and delivered the next day before Congress convenes.

Approximately 18,300 copies of the RECORD are printed daily. Of these 5,800 copies are printed for congressional use and 6,800 copies are printed for the recipients designated by law. The remaining 5,700 copies are printed for agencies which requisition them and for GPO's Superintendent of Documents distribution programs.

The average CONGRESSIONAL RECORD contains slightly more than 200 pages, about as much type as four to six metropolitan daily newspapers. The actual size of each RECORD can vary significantly, however, depending on how much business Congress transacts.

The CONGRESSIONAL RECORD is available from GPO's bookstores and by mail order in paper microfiche. In addition, the GPO access service provides online access to the RECORD, along with the Federal Register, congressional bills, and the U.S. Code, via the Internet.

In addition to providing printing support, GPO worked with the Library of Congress to provide CONGRESSIONAL RECORD and congressional bills database files for the Library's new THOMAS information service, which provides public access to congressional information.

Mr. Speaker, as you can see the U.S. Government Printing Office is crucial because it preserves the history made on the floor of the House and the Senate. It is crucial because it is efficient and provides a vital information service to the American public.

THE ROAD TO CHANGE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. PACKARD. Mr. Speaker, we are speeding ahead on the road to changing the way Congress and the Government does business. The first bill of the 104th Congress is on the way to the President's desk. This is only the beginning. The new Congress is committed to keeping the promises we made with the American people.

We pledge to make Government smaller and more efficient. We pledge to get Government out of people's lives and back into their hands. Mr. Speaker, the people are watching and waiting. They want results.

Abolishing unfunded Federal mandates and establishing the discipline of a balanced budget will pave the road to real change. This is a road built by the people for the people—with restricted access granted to the Federal Government.

I urge my Republican colleagues to keep their eyes on the road ahead and their hands firmly on the wheel. Now is not the time to get sidetracked. We must work together to make this a smooth and cost efficient ride.

TRIBUTE TO ROGER TEMPLE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. DIXON. Mr. Speaker I rise today to recognize the accomplishments of Roger M. Temple, the 1994 President of the Los Angles County Boards of Real Estate [LACBOR]. During the last year, Mr. Temple has served with distinction as president of this umbrella organization representing close to 30,000 Realtors from across the Los Angles area.

Roger Temple's roots in real estate and residential and commercial construction date from his childhood. As the son of building contractor Nathan Temple, he began his apprenticeship in his early teens. While working as a superintendent on commercial construction jobs, he studied architecture at Los Angles City College and the University of California at Los Angeles.

After securing his real estate license, Mr. Temple broadened his professional skills to include sales. He has been involved in the reconstruction of over 50 rehabilitation residential and commercial projects, in addition to new home construction. Mr. Temple has built a well-deserved reputation as a leading realtor and builder in Laurel Canyon and Nichols Canyon.

During his tenure as president of LACBOR, Roger Temple has been instrumental in the organization's activities to better Los Angeles communities. He directed the organization's involvement in such projects as the county/city graffiti prevention task force, the Multi-Agency Graffiti Intervention Coalition, the Children's Miracle Network, and the Los Angles Children's Hospital. He was a leader in formation and is an active participant in the Multicultural REALTOR Alliance for Urban Change, contributing to the rebuilding of Los Angles in the wake of the April 1992 civil disturbance.

With Mr. Temple at its helm, LACBOR has continued its commitment to enhance the availability of affordable housing and educate first time home buyers. Recognizing the importance of community and political activism, he has sought to work together with local, State, and Federal leaders to promote Los Angles' growth and prosperity, and has contributed his expertise to a number of government task forces evaluating real estate-related legislation.

Roger Temple's success as a leader in the construction and real estate industry in Los Angeles, and his willingness to lend his efforts on behalf of fostering prosperity in the community deserve our recognition and praise. I am pleased to call particular attention to his 1994 leadership of the Los Angeles County Boards of Real Estate, and ask my colleagues to join me in congratulating him on his accomplishments.

INTRODUCTION OF LEGISLATION TO ADDRESS THE SERIOUS PROBLEM OF ILLEGAL IMMIGRATION

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BEILENSON. Mr. Speaker, today I am reintroducing three bills to address one of the most serious and fastest growing problems facing the Nation: illegal immigration.

The United States has by far the most generous legal immigration system in the world. We allow more people—nearly 1 million a year—to immigrate here than do all other countries combined, and more newcomers are settling here legally every year than at any other time in our history. But, while the vast majority of us take pride in this tradition, I believe we all know that our capacity to accept

new immigrants is limited, and that our inability, or unwillingness, to control illegal immigration effectively is threatening our ability to continue to welcome legal immigrants.

Illegal immigration has already had an enormous effect on public services and labor markets in certain areas of the country, and the problems will only get worse. The overwhelming passage of proposition 187 in California, which seeks to deny education and nonemergency health care to illegal immigrants, is an indication of how serious this issue has become. But while that initiative was based on many legitimate concerns, even its most ardent proponents concede that proposition 187 will have little real effect on slowing illegal immigration. We need, most of all, to concentrate on controlling our borders, strengthening and enforcing our work eligibility law, and reducing or removing incentives that too often have the inadvertent effect of encouraging illegal immigration.

The bills I am submitting today—all of which I introduced in the last Congress—are, I believe, all necessary parts of any successful effort to solve the illegal immigration problem.

The first bill would require the Federal Government to develop a tamper-proof Social Security card that every American would use to prove work eligibility. Under the employer sanctions law established under the Immigration Reform and Control Act of 1986 [IRCA], 29 different documents may be presented by job applicants to prove work eligibility. This system has not only given rise to a vast multimillion dollar underground industry in forged documents, but has also created considerable confusion among employers and, as documented by the General Accounting Office, has resulted in widespread discrimination against American citizens and legal residents who may appear foreign. Until we simplify the law and establish a single acceptable tamper-proof work authorization document, existing provisions of law prohibiting illegals from working in the United States will remain unenforceable, and discrimination will continue.

The second bill would establish the Border Patrol as an independent agency within the Department of Justice. By the end of this fiscal year, we will have increased the size of the Border Patrol by over 33 percent in just 2 years; we have already added more agents, approximately 1,350, to the Border Patrol in 2 years than the Reagan and Bush administrations added in 12 years; and we have authorized a doubling of the size of the Border Patrol over the next 4 years. While additional funding and personnel are still necessary, we also need to focus on the administrative restructuring that will enable the Border Patrol to fulfill its mission. The Immigration and Naturalization Service's [INS] dual missions of providing necessary services to legal immigrants, and policing the border, are inherently contradictory. As the law enforcement agency charged with closing the border to drug traffickers and smugglers as well as illegal aliens, the Border Patrol requires independence from the INS, as well as a substantial increase in manpower, in order to meet its responsibilities without having to compete with the INS for the resources to do so.

The third bill I am introducing proposes an amendment to the Constitution to restrict automatic citizenship at birth to U.S.-born children of legal residents and citizens. The 14th amendment to the Constitution, in order to confer citizenship on newly freed slaves after the Civil War, guaranteed citizenship to all people born in the United States. Since the United States did not limit immigration in 1868 when the amendment was approved, and the question of citizenship for children of illegal immigrants was therefore never addressed, the language has had the inadvertent effect of conferring citizenship on U.S.-born children of illegal immigrants. This policy is blatantly unfair to the millions of people who have petitioned for legal entry into the United States, and it provides an incentive for entering the country illegally.

Mr. Speaker, we took major steps last Congress to address the illegal immigration problem. We dramatically increased the size and funding of the Border Patrol; we required the Federal Government for the first time to reimburse States and local governments for the costs of incarcerating illegal immigrants who have committed felonies; we provided nearly full funding for expedited deportation and asylum proceedings, including overseas enforcement activities; and we increased penalties for human trafficking, document fraud, and for reentering or failing to depart the United States after a final deportation order.

There is more, however, that we can and must do. The measures I am introducing today are three very powerful steps we can take to help solve the illegal immigration problem, and yet do so in a way that is decent and humane, and that fits our traditional national values about openness and ethnic diversity.

I urge my colleagues to join in supporting these bills.

TRIBUTE TO THE LATE CLAUDE HARRIS, FORMER MEMBER OF CONGRESS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. HILLIARD. Mr. Speaker, many of us are still mourning the loss of the Honorable Claude Harris, a former distinguished Member of this body, who until his untimely death on October 3, 1994, was serving as the U.S. Attorney for the northern district of Alabama.

A moving editorial tribute to Congressman Harris, written by one of Mr. Harris' longtime friends and associates, Mr. Robert Betz, was recently published in Mr. Betz' Federal Legislative Report. In short, it states that Claude Harris was a real public servant, patriot, statesman, and friend to all people.

Mr. Speaker, in the interest of time, I ask that the aforementioned article be printed in its entirety in the CONGRESSIONAL RECORD, and that a copy be sent to his family in Tuscaloosa, AL.

TRIBUTE TO CLAUDE HARRIS

Sometimes in the space of the Federal Health Policy Report, I pause to comment to the readers about personal issues related to the work of the Alabama Hospital Association in Washington, DC.

It is in this spirit that I want to say a word about the late Claude Harris, former prosecutor and circuit court judge, member of the U.S. House of Representatives, U.S. Attorney, and my friend. People often ask me who I think in Congress is a real public servant, patriot, statesman, or just someone who has not lost touch with ''folks back home.'' Claude Harris was such a man. He was also a friend of the hospitals of Alabama. He was a man of honor, courage and humility and although I cannot say for sure, I believe Claude Harris walked in the light of God.

I met Claude in 1987 when he first came to Washington as a brand new member of the Alabama congressional delegation. He drove himself to Washington pulling a U-Haul van of which he was splitting the cost with his Administrative Assistant, Walter Braswell. I took him to dinner the first week he was here and we stayed up late talking about issues. He impressed on me then, as now, how he had a firm grip on himself and his ego. Recognizing that there were things he needed to learn, he carefully developed a reputation for listening to many voices and opinions. After six years he still viewed his role in Congress not as a life-long entitlement but as a steward with a great responsibility to his country, his state and his district.

His staff loved him. Unlike many congressional offices, Claude had a very small staff that he worked hard and paid well. I remember the day I walked into his office to drop off a paper and there was his entire staff sitting in his office eating fried chicken out of a big tin bucket with Claude. It wasn't the private members' dining room, it was a commander eating with his troops.

Speaking militarily, Claude continued to serve as a colonel in the Alabama Army National Guard the whole time he was in Congress, making the long trip back to his unit after a grilling week in Washington. When Desert Storm came along I saw him at his most worried. He agonized about the safety of the men and women from his state that were serving their country in a dangerous situation.

When the future husband of one of his staff members finally got up the nerve to propose to her, Claude escorted the two of them to the top of the U.S. Capitol so the young man could pop the question. This is a members-access-only privilege and one of the toughest stair climbs in the world. Claude took the time to do this to make it special for one of his staff people. No wonder his staff adored him.

There are many good people who work in Washington and in government in general. Sometimes I think the bad apples get all the press. That's why the untimely passing of Claude Harris is such a loss. When he was in Washington, the hospitals of the state of Alabama had no greater friend. When he voluntarily stepped down so that a colleague could have a better shot at a newly drawn district, he was sad but not about losing the seat so much as there was so much more he wanted to do.

I realize that I only got to be a part of Claude Harris' life. I am sure that his other friends will have other viewpoints on a multifaceted man. However, what I saw impressed me greatly. Specifically, it boiled down to this—he was someone who understood the importance of viewing Washington's follies from a seat of sanity on the front porch of an honest perspective. I can't say that about many. Claude Harris may, in fact, have been what Thomas Jefferson had in mind when he talked about a citizen government.

In my years of working in Washington, AlaHA has had many friends. None of them has been greater than Claude Harris. My deepest condolences to his wife Barbara and to his family, and to the many friends that will mourn the passing of this good man and public servant.

LEGISLATION TO REFORM CONGRESSIONAL PENSIONS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. GOODLATTE. Mr. Speaker, calls for reduced Government spending have echoed throughout this great Nation of ours. Unfortunately, the voices of the people have often been ignored by this Chamber in previous years. When these cries have been heard, the response has been to shift the burden of budget cuts. I believe the time has come for the Members of Congress to lead by example.

Today I am introducing legislation that demonstrates to the American people the steadfast commitment of this Congress to fight against excessive spending by tackling the largest perk in government—Congressional pension plans. I also introduced this legislation in the 103d Congress. I hope and anticipate that the reform-minded 104th Congress will look upon this bill much more favorably and make the bold move to reconcile profitable congressional pensions with those of hard working Americans.

Congressional retirement benefits are ridiculously more lucrative than those of many private sector and all Federal employees. Some Members of Congress make more in retirement than most Americans could hope to make in a lifetime.

The National Taxpayers Union estimates that over 180 Members will collect over $1 million each in lifetime benefits. My legislation will slam shut the doors of this congressional pension millionaires club.

Under current law, retired Members of Congress receive a pension that is 10 to 20 percent higher than comparable pensions for retired Federal employees. There is a drastic difference in the formulas used to calculate Members' pensions and those of Federal employees. Due to the huge disparity in the pension equations, Members of Congress receive thousands of dollars more in annual retirement benefits compared to Federal employees with comparable years of service.

Furthermore, when you consider that Members of Congress are near the top of the Federal pay scale, the difference between most pension plans and the lucrative congressional plans is compounded.

Clearly, Representatives' and Senators' retirement benefits should be consistent with Federal employees which is why I am introducing a bill which will do just that.

My bill recalibrates the formula used to calculate Members' pensions. It changes the equation so that our pension plan is the same as that of any other Federal employee. It also increases the age at which a form Member may begin to collect their benefits from age 50 to age 55. The bill would finally put Members' retirement benefits on par with Federal employees.

The time has come for us to address the gross disparities between congressional retirement benefits and those of the average American. The era of governmental abuse has come to a close and the buck stops with us. I urge my fellow Members to hear the calls of the American people, and demonstrate your leadership by setting the example and cosponsoring this legislation.

INTRODUCTION OF THE BIOTECH PROCESS PATENT PROTECTION ACT OF 1995

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. MOORHEAD. Mr. Speaker, today, the gentleman from Virginia, [Mr. BOUCHER] and I are introducing the Biotech Process Patent Protection Act of 1995. This is the 4th consecutive Congress that we have introduced this legislation together.

From an economic point of view, the U.S. Biotech industry has gone from zero revenues and zero jobs 15 years ago to $6 billion and 70,000 jobs today. The White House Council on Competitiveness projects a $30 to $50 billion market for biotech products by the year 2000, and many in the industry believe this estimate to be conservative.

Companies that depend heavily on research and development are especially vulnerable to foreign competitors who copy and sell their products without permission. The reason that high technology companies are so vulnerable is that for them the cost of innovation, rather than the cost of production, is the key cost incurred in bringing a product to market.

In addition to the ability to obtain and enforce a patent, small companies in particular must be concerned about obtaining a patent in a timely fashion. In 1992 the pendency of a biotech patent application as 27 months with the backlog in applications increasing from 17,000 in 1990 to almost 20,000 in 1992. The Patent Office has taken steps to improve the situation by reorganizing its bio-technology examination group and increasing the number of new examiners. The PTO has also implemented special pay rates for their biotechnology examiners. As a result, biotech patent application pendency has been reduced from 27 months to 21 months and the backlog in applications have been reduced from 20,000 in 1992 to 17,000 in 1994.

Although this is slow progress it is a substantial improvement. However, we must continue to reduce these delays because this industry is so dependent on patents in order to raise capital for reinvestment in manufacturing plants and in new product development, and even more so for an industry targeted by Japan for major and concerted competition.

The House Judiciary Committee took the first step in 1988 when the Congress enacted two bills which I introduced relating to process patents and reform of the International Trade Commission. However, our work will not be complete until we enact this legislation. This bill modifies the test for obtaining a process patent. It overrules In Re Durden (1985), a case frequently criticized that has been cited by the Patent Office as grounds for denial of biotech patents, as well as chemical and other process patent cases.

Because so many of the biotech inventions are protected by patents, the future of that industry depends greatly on what Congress does to protect U.S. patents from unfair foreign competition. America's foreign competitors, most of whom have invested comparatively little in biotechnology research, have targeted the biotech industry for major and concerted action. According to the Biotechnology Association, in Japan the Ministry of International Trade and Industry [MITI] and the Japanese biotechnology industry have joined forces and established a central plan to turn Japanese biotechnology into a 127 billion yen per year industry by the year 2000. If we fail to enact this legislation, the Congress may contribute to fulfillment of that projection.

In conclusion, Mr. Speaker, this is important legislation. The biotech industry is an immensely important industry started in the United States with many labs housed in California. In the decade ahead, biotechnology research will improve the lives and health of virtually every American family. It will put people to work and it will save people's lives. I intend to schedule action early this session.

BARROW COUNTY REPUBLICAN PARTY ENDORSES SUPER MAJORITY VOTE FOR TAX LIMITATION

HON. CHARLES W. NORWOOD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. NORWOOD. Mr. Speaker, it is imperative that this body's ability to tax and spend be limited. I have heard from my constituents back home and they heartily approve of the new rule of the House which requires a 60-percent super majority to enact any Federal tax increase on U.S. citizens.

The Barrow County Republican Party has adopted a resolution which expresses support for this new rule in the House. It is stated below:

Whereas on this date of January 16, 1995 the Barrow County Republican Party at it's stated meeting on the above date, and in full accord conclude that the United States Government through taxation and regulations, has far exceeded any power granted to it by the United States Constitution, and the people of this great Nation.

And, whereas it appears to these Members of this body, that an amendment to regulate the tax and spend policies of the United States Government in such a way as to restrict the Government in the adoption of its policies of taxation on income, the ownership of personal property such as real estate, or any other personal possessions which may rightfully owned by an American citizen.

And, be it therefore resolved by the Barrow County Republican Party at this meeting that tenth district Congressman Charlie Norwood, and that United States Senator Paul Coverdell and, United States Senator Sam Nunn of Georgia be petitioned by this body to consider, and adopt the three fifth's amendment, now being considered by the U.S. House of Representatives, which would require a sixty percent super majority vote to enact any Federal tax increase on the people of the United States.

This resolution being whole heartedly approved by this body, be it further enacted that this entire document be presented in support of this resolution, to be signed, and presented as directed by the officers present at this meeting.

Signed,

MIKE GRACE,
Chairman.
EDWIN GRAVITT,
Vice Chairman.
RANDY DUBOSE,
Secretary.

LOCAL OFFICIALS SPEAK OUT ON UNFUNDED MANDATES

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, one of the high priority items for the 104th Congress is resolution of the problem of unfunded mandates. Last month, I had the opportunity to meet with local elected officials in Pennsylvania to discuss this issue. I found their comments and insights revealing.

Testimony was given by every member of the Delaware County Council, including Chairwoman Mary Ann Arty, Paul Mattus, Ward Williams, Wally Nunn, and Tom Killion. I also heard from Joseph Blair, president of Upland Borough Council; Bruce Dorbian, manager of Marcus Hook Borough; Kenneth Hemphill, Upper Darby School District; Thomas Kennedy, mayor of Ridley Park; James F. Shields, executive director, Delaware County Intermediate Unit; and Thomas J. Bannar, manager of Haverford Township.

I found their insights and experience very valuable. As we prepare to debate this issue on the floor of the House, my colleagues would do well to look beyond the statements of inside-the-beltway lobbyists and listen to the experience of local elected officials. I have included the testimony of several of the participants which I found particularly insightful. I urge my colleagues to review their statements to better understand how unfunded mandates affect local governments.

STATEMENT OF WALLACE H. NUNN, DELAWARE COUNTY COUNCIL

Earlier we identified that Unfunded Mandates occur as the result of passage of legislation, by promulgation of regulations in response to legislative initiatives, through policy decisions by government bureaucrats and as a result of court orders. Each of these has played a part in helping to construct a welfare system that is one of worst bureaucratic nightmares in terms of its size and expense, its red-tape, its lack of coordination through the various state and federal agencies that mandate its operation and its effectiveness. If we view the social welfare system as a chronological continuum of services beginning with Children and Youth Services and running through the various adult services, we note redundant programs due to more than one state and/or federal agency mandating not only the services but the way in which they are provided, with no coordination or even apparent knowledge of the other agency's mandate. This concern is exemplified in the area of Drug and Alcohol (D/A) where the County receives funding through the Department of Health, the Court system and, in some instances, the Department of Public Welfare. While we are able to cooperate internally and to coordinate the provision of some of the services, we nevertheless must maintain complex administrative structures to deal with the plethora of regulations and policies imposed on us. There may be as many as fifteen (15) different programs to deal with specialized aspects of D/A problems. Each of these is governed by its own set of regulations for operation and reporting.

Many of these regulations that govern our operation are circuitous and address not just the broad policy guidelines but actually stipulate the provision of individual services. For example, in the County Juvenile Detention Home, we are mandated not just to feed and cloth the juveniles but also to supply an evening snack. (Is eating just before bedtime a healthy practice?)

I have touched on the justice system. Approximately $48.3 million of the County Budget is projected to be expended on Administration of Justice. This accounts for over 57% of the approximately $84 million raised in taxes. It also points out the failure of social welfare programs since these programs obviously have not resulted in shaping all of our citizens who are clients of our systems into productive members of our society. While I am not naive enough to think that we can be 100% successful in moving people toward productivity, I would like to have the opportunity to design our own programs without interference from the federal and state bureaucracies. Block grants without the punitive strings attached would be a mechanism that could be used to funnel dollars to Counties. We suggest this approach to you.

STATEMENT OF BRUCE A. DORBIAN, MANAGER, BOROUGH OF MARCUS HOOK

On behalf of the Crum and Ridley Creeks Council of Governments I graciously recognize the Honorable U.S. Congressman from the 7th congressional district, W. Curtis Weldon, and the Honorable State Senator from the 26th senator district, Joseph Loeper and members of the county council. thank you for organizing this public hearing on the subject of unfunded mandates and extending to us the opportunity to provide oral and written testimony.

The Crum and Ridley Creeks Council of Governments is an organization with 11 member municipalities formed to facilitate and develop mutual cooperation and coordination among the participating municipalities. The membership includes the boroughs of Media, Marcus Hook, Rose Valley, Rutledge and Swarthmore and the townships of Edgmont, Middletown, Nether Providence, Newtown, Upper Providence and Concord.

Whether Federal or State imposed, a mandate is a mandate. The word is feared in the local government community. Mandates can be fatal to the budget process and they occur far too frequently. They are feared because there is usually little notice or preparation, they carry new responsibilities, and seldom little authority or fiscal resources to carry them out.

WHAT ARE MANDATES?

They are requirements placed on local government by the Federal and State government to perform specified tasks. They are ''mandates'' because they must be done. The mandate message delivered from Federal and State government is similar to that national advertising campaign theme—''just do it.''

WHO PAYS FOR MANDATES?

Local citizens and businesses pay for most Federal and State mandates through increased local taxes and fees. Most mandates are unfunded or underfunded. This means the Federal and/or the State government adopts the legislation and establishes regulatory requirements without appropriating any funds to implement the legislation or regulations. The costs for implementation are left to local and county governments.

WHY ARE MANDATES A PROBLEM?

Federal and State mandates are a problem for three reasons: (1) they are imposed without consideration of local circumstances or capacity to implement the Federal/State requirements; (2) they strain already tight budgets forcing increases in local tax rates and fees to pay for mandates while we continue to provide local services and keep local budgets in balance; and (3) they set priorities for local government without local input. Because most mandates require compliance regardless of other pressing local needs, Federal and State mandates often ''squeeze out'' projects and activities that are local priorities and which would contribute more to local health, welfare and safety than the specific action or activity dictated by Federal/State laws and regulations. Local dollars spent on Federal and State mandates is money that cannot be spent on local priorities.

ARE LOCAL GOVERNMENTS OPPOSED TO MANDATES THAT PROTECT THE PUBLIC HEALTH, SAFETY AND CIVIL RIGHTS OF CITIZENS?

No local elected officials are committed to providing public services that enhance the health, safety and welfare of their citizens.

But local officials are opposed to unfunded, inflexible, ''one-size-fits-all'' laws and regulations. These laws and regulations impose unrealistic time schedules for compliance, specify the use of procedures or facilities when less costly alternatives might serve as well, and require far more than underlying laws appear to require. Local officials want to concentrate on performance, not procedures.

WHY SHOULD CITIZENS CARE ABOUT FEDERAL AND STATE MANDATES?

They allow the Federal and State government to write checks on the local government checkbook. They interfere with local decision-making and give authority to remote Federal and State lawmakers and bureaucrats rather than easily accessible local mayors, council members, commissioners and supervisors. And, perhaps most importantly, they force local governments to raise local taxes and fees in order to comply with mandates and maintain local services.

As municipal mangers, we have day to day, hands-on experience with mandates. They impact virtually every aspect of local government operations. Recent mandates include mandatory recycling, expanded training requirements for municipal police officers, additional pension benefits for police and fire officials, workers compensation enforcement through the local building permit system, agency shop, and public access requirements of the Americans With Disabilities Act. Then there are those that simply become institutionalized in the operations of the municipality and continue to impose costs ten to twenty years after enactment. Public advertising requirements, State and Federal mandatory wage requirements for public works project, minimum wage, to name a few. Whatever the case may be, we know one thing for certain—once a mandate is imposed it is never repealed. One recent national research study ranked Pennsylvania second in the number of new mandates imposed on municipal government.

The current system allows Federal and State lawmakers and bureaucrats to impose their priorities without considering local budget and service impacts. Local budgets are statutorily required to be balanced, taxing authority is limited, and mandates cannot be passed on to another level of government. We must bring fiscal responsibility to the mandate process in this country and in Pennsylvania.

The buck has been passed to local government for too long; it is time for the ''bucks'' to be passed on as well.

STATEMENT OF JAMES F. SHIELDS, EXECUTIVE DIRECTOR, DELAWARE COUNTY INTERMEDIATE UNIT

It is a pleasure for me to be here today representing the Intermediate Unit, the fifteen

public school districts in the county and the Delaware County School Boards' Legislative Council.

The issue of unfunded mandates has received much attention lately. I want to commend County Council for the leadership you have shown in bringing this issue to the attention of the general public. We can also look at Governor-elect Tom Ridge's campaign pledge in which he states: ''I will fight to give our communities greater control over their schools and tax dollars, free from state micromanagement. I want to provide districts with relief from existing state mandates and stop the flow of new ones to encourage greater local control and help ease the pressure on local property taxes.'' Likewise, the new leadership in Congress has also expressed their intent to focus on this issue. It appears that the issue of unfunded mandates is approaching front-burner status on the political agenda.

Focusing public attention on unfunded mandates and the impact they have on local school district budgets has also been a priority of Delaware County school districts for the past five years. In the 1991–92 school year, a committee of superintendents and school board members started a process to identify some of the high cost mandates affecting schools. A survey was developed and completed by all school districts that identified and placed a dollar cost on some critical areas. A presentation of the results was made to the Delaware County legislative delegation at the School Boards' Annual Legislative Breakfast held on May 15, 1992. The following is a partial list of the information shared at that time. Although the cost data will have changed since that time, what hasn't changed is the economic impact these mandates have on local school budgets.

Certification restrictions and staff ratios as applied to Nurses, Dental Hygienists, Librarians ($3,014,750)

Sabbatical leaves for purposes of study and travel ($4,508,317 over previous five years)

State requirement to transport nonpublic school students up to ten miles outside local school district boundaries ($6,072,374)

Use of prevailing wage rate on school construction projects in excess of $25 thousand ($12,329,800 over previous five years and projected for immediate future)

Asbestos abatement ($17,650,107)

Underground storage tank inspection and removal ($5,901,000)

Transportation of Early Intervention students ($302,600)

The development of Act 178 Professional Development Plans ($668,000)

Implementation of a Teacher Induction Program ($173,730)

Special education costs have consistently exceeded the funds available from both state and federal sources. Because of the many due process requirements and the strict limitations on class size along with additional supportive services needed, this is an expensive mandate. In addition, while not required to do so under federal law, Pennsylvania has chosen to include the education of the gifted under state special education rules and regulations. The federal government originally promised to fund 40% of the cost of this law but in actuality the federal share has never exceeded 12%. It must be said that in and of themselves each of the mandates may be considered to serve a noble purpose. However, the cumulative effects of these and all the other mandates imposed on local districts impose a fiscal and human resource cost on schools. Meeting the demands of some of these mandates may take away resources from other areas of the school program deemed important by the local community.

As a next step in this process, the fifteen Delaware County school districts and the Intermediate Unit have contracted with the Pennsylvania Economy League to identify existing mandates that impact upon the operation of the schools and to assess their economic impact. In addition, the other three suburban intermediate units in Bucks, Chester and Montgomery Counties have likewise expressed an interest in participating and supporting this study.

In 1982 the Pennsylvania Local Government Commission, after an exhaustive study, identified 6,979 state imposed mandates upon local government units in Pennsylvania. Moreover, the Pennsylvania School Boards Association, representing all 501 school districts in the Commonwealth has identified burdensome mandates the Association has targeted for legislative remedy including the following:

Prohibiting the furlough of staff for economic reasons;

The requirement to transport nonpublic students up to 10 miles outside the district;

The awarding of tenure after two years of successful teaching;

The requirement to hire certificated school nurses, dental hygienists and home and school visitors according to a state-established pupil ratio;

Providing full year and split year sabbaticals for travel;

Permanent certification for teachers and administrators.

It is clear that now is the time for concerted action by all agencies of local government to ease the financial burden caused by unfunded or partially funded state and federal mandates. On behalf of Mr. Walter Senkow, President of the Intermediate Unit Board of Directors, Mr. James Fahey, Chairman of the School Boards' Legislative Council, and Dr. Roger Place, Chairman of the Superintendents' Advisory Council, I commend County Council and our legislative delegation for sponsoring today's hearing. We stand ready to work cooperatively with you to address these important concerns.

TRIBUTE TO JESS SOLTESS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize Jess Soltess as he retires from the position of Ferndale city manager after 24 years of distinguished service to Ferndale, MI, and the surrounding community. In 1971, Jess began his distinguished career serving Ferndale as community development services director. In 1978, he was elevated to his current position of city manager.

Mr. Speaker, I have had the pleasure to represent the city of Ferndale for 13 years. It is a dynamic community growing and changing to better serve its citizens. Jess has truly played a key role in Ferndale's development and success.

On the occasion of his retirement, I would like to congratulate and thank Jess Soltess for his commitment and dedication to the city of Ferndale. I would like to extend my best wishes to Jess and his wife Sue for many years of health and happiness.

TRIBUTE IN MEMORY OF SLAIN SAN ANTONIO POLICE OFFICER FABIAN DOMINGUEZ

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. TEJEDA. Mr. Speaker, I rise today with a grim duty, to report to you and the House the senseless murder of Fabian Dominguez, a patrolman who served valiantly on the San Antonio Police Force. In an act of selfless duty, he lost his life at the hands of young thugs.

The details are poignant: On his way home from his shift, Patrolman Dominguez stopped to investigate a suspicious situation at his neighbor's home. He surprised some would-be burglars and was shot to death. Three teenagers have been charged with his murder.

At his funeral, the pastor of Trinity Baptist Church, the Reverend Buckner Fanning, is reported to have said: ''Fabian was off-duty. Duty didn't require he stop. But love did. Commitment did. Love for God. Love for his neighbor. Love always stops where there's trouble. Love never takes a vacation. Love is never off-duty.'' These words ring true.

We in this Congress must continue to strive to convince our youth, our children, that life is precious, not something to be thrown away casually. We hear about a lack of values in our society, and it stems from the failure to recognize the special unique spirit of each human. It stems from a lack of self-respect. Our challenge is to create incentives to put that ultimate value, the value of human life, into the hearts of all of us.

Each day, in San Antonio and in other cites, towns, and counties across this country, law enforcement officers put their lives on the line to protect us from those who would do us harm. Some walk the beat, some patrol in cars, on horseback or bicycles, and yet others serve from behind the desk. Brave men and women, dedicated to public safety, give us their all, and it is appropriate for us in this House of Representatives to pay tribute to each of them.

Patrolman Dominguez was laid to rest with full honors yesterday. In recognition of his service, Police Chief William Gibson retired badge No. 0399, worn proudly by Mr. Dominguez. Our hearts go out to his family, and particularly to his wife and twin 8-month-old daughters, who will look at the American flag given to them, first draped over their husband's and father's coffin, with pride and sadness.

INTRODUCTION OF A BILL TO PROHIBIT PAY AND ALLOWANCES TO INCARCERATED MILITARY PERSONNEL

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mrs. LINCOLN. Mr. Speaker, today I rise to introduce legislation that would prohibit pay and allowances to military personnel who are under a sentence that includes dismissal or a dishonorable or bad-conduct discharge. In this

day of heightened fiscal responsibility, it is outrageous that this Government continues to keep military personnel on its payrolls after they have been convicted of crimes. My constituents and I feel that such irresponsible practices must be stopped. This policy was originally adopted to finance the costs of shipping families of convicted criminals back to civilization during the development of the Old West. However, times have changed and such an outdated policy should be rectified. This Government should not be paying out funds designed to solve problems that existed 120 years ago.

Certainly today no civilian firm would continue to keep on its payrolls convicted rapists and murderers. In summary, I urge my colleagues to sponsor and support this worthwhile bill to correct an existing anomaly in our Government's policy.

TRIBUTE TO MALCOLM BENNETT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. DIXON. Mr. Speaker, I rise today to recognize the accomplishments of Malcolm N. Bennett, outgoing president of the Southwest Los Angeles Board of Realtors, the only African-American board of realtors in Los Angeles. His contributions to the business community have been matched by his commitment to bettering the lives of the less fortunate in Los Angeles.

In addition to being president and founder of International Realty & Investments, one of the largest minority-owned property management firms in the city, Mr. Bennett is also co-owner of one of the largest minority-owned glass installation companies, International Glass Co. Mr. Bennett's knowledge in the real estate field has allowed him to serve as State court receiver for several of the largest banks in California and his activities in the community have received recognition at the State and local level.

Mr. Bennett has also been active in efforts to better the lives of those with special needs. He has taken an active role as a member of the board of directors of the South Central Los Angeles Regional Center for the Disabled, working on special projects and programs designed for individuals with special needs. Mr. Bennett has also served as board member for the Cripple Children's Society, devoting his time and energy to organizing their annual walk-a-thon. Mr. Bennett is president and founder of the Minority Apartment Owners Association, and has led the organization's efforts to reach out to elderly and confined residents in the community.

Malcolm Bennett's success as a leader in the real estate industry in Los Angeles, and his willingness to lend his efforts on behalf of community members in need, deserve our recognition and praise. I am pleased to call attention to Malcolm's accomplishments and his tenure as president of the Southwest Los Angeles Board of Realtors, and ask my colleagues to join me in congratulating him on his contributions to the community.

TRIBUTE TO THE LATE LEE ECHOLS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. HUNTER. Mr. Speaker, Lee Echols, who served our country in a number of hazardous positions, died recently at age 87 at a hospital near his home in Bonita, CA. His life proved that truth is indeed stranger than fiction, since no fiction has ever emerged that combined Lee's true life adventures which included service in the OSS; the CIA; special Customs agent for undercover narcotics work; a Navy officer in New York City and special State Department operative in Guatemala, Bolivia, Uruguay, Mexico, and the Dominican Republic.

Along the way, Lee became a member of the U.S. Treasury Pistol Team and won the National Pistol Championship in 1941 at the Camp Perry Shoot. He served as western field director for the National Rifle Association for several years. After retirement from 38 years of government service, Lee helped organize the Association of Former Intelligence Officers, which had been started by his old friend, Dave Phillips, who had been Chief of the western hemisphere section of the CIA. Lee became California State chairman of AFIO.

''Hilarious High Jinks & Dangerous Assignments,'' the autobiography of Lee Echols, was published in 1990, and recounts his amazing career as well as outlining some of the many practical jokes he and his associates played on each other. In addition to the autobiography, Lee wrote a book, ''Dead Aim'' about the various shooting matches in which he participated over the years, a book of fiction, and numerous magazines articles.

In his adventuresome career, Lee encountered various smugglers, dealers in narcotics, Communists, revolutionaries, corrupt officials of Latin American countries and Mexico, and others who would have killed him had they discovered his true identity. The amazing thing is that he could operate undercover for our Government for many years and still survive.

One factor that sustained him was his great sense of humor, which led him to organize and take part in various hoaxes of his fellow workers, and for that matter, anyone who came along. It was this facet of Lee's life that attracted men of action to him, including the famous Marine general, Hollands M. ''Howlin' Mad'' Smith. At one of the international pistol shoots, Lee staged a scene where he appeared to have been accidentally shot and killed by another contestant.

In the Dominican Republic, where he worked undercover for our State Department, he obtained information from the revolutionaries that was of great help in protecting American dependents until the United States Government could send in the 82d Airborne and the Marines to evacuate them to United States ships. He also later ran a school for Spanish-speaking countries interested in training efficient national security forces.

His life story, ''Hilarious High Jinks & Dangerous Assignments'' not only tells an incredible true story of his life, but also gives an idea of the efficiency of our undercover operations, of the CIA, the OSS, Customs, and other Government agencies. Having grown up in Calexico, in Imperial County, and worked 10 years for Customs along the border, Lee spoke Spanish fluently and also understood how to get along with our neighbors to the south.

His work lives on in the lives of the young men, Americans and those from Latin America, whom he trained in law enforcement and respect for democracy. Like many others who have helped build America, Lee was a product of his times and his environment, and an inspiration to all who knew him.

U.S. CONGRESS AND GERMAN PARLIAMENT CONDUCT ANNUAL EXCHANGE

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. STENHOLM. Mr. Speaker, since 1983, the United States Congress and the German Parliament, the Bundestag, have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about the working of each other's political institutions and convey Members' views on issues of mutual concern.

This year marks the fifth exchange with a reunified Germany and a parliament consisting of members from all 16 German States. A delegation of staff members from the United States Congress will be chosen to visit Germany from May 7 to May 20. During the 2-week exchange, most time will be spent at meetings conducted by Bundestag Members, Bundestag party staff members, and representatives from political, business, academic, and media groups. Cultural activities and a weekend visit in a Bundestag Member's district will round out the exchange.

A comparable delegation of German staff members will visit the United States in July for a 3-week period. They will attend similar meetings here in Washington and visit the districts of Congressional Members over the Fourth of July recess.

The Congress-Bundestag Exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the

United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency [USIA] personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter in which they state why they believe they are qualified, and some assurances of their ability to participate during the time stated. Applications should be sent to Kathie Scarrah, c/o Senator JOSEPH I. LIEBERMAN, 316 Hart Senate Office Building, by Wednesday, February 15.

INTRODUCTION OF THE ALASKA PENINSULA SUBSURFACE CONSOLIDATION ACT OF 1995

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. YOUNG of Alaska. Mr. Speaker, today I am reintroducing legislation directing the Department of the Interior to acquire subsurface inholdings in three conservation system units. Under this legislation, entitled the ''Alaska Peninsula Subsurface Consolidation Act of 1995,'' the United States would acquire 275,000 acres of oil and gas properties in the Aniakchak National Monument and Preserve, the Alaska Peninsula National Wildlife Refuge, and Becharof National Wildlife Refuge in exchange for Federal properties of equal value in Alaska.

The subsurface properties are currently owned by an Alaska Native corporation, Koniag, Inc., which received them under the terms of the Alaska Native Claims Settlement Act of 1971. By an accident of geography, Koniag, the regional corporation of the Kodiak Archipelago, was unable to realize its full entitlement of land within the Kodiak area under ANCSA. The prior establishment of the Kodiak National Wildlife Refuge and the limitations of the islands forced Congress to redraw the regional corporation boundaries and grant Koniag and other Kodiak corporations rights on the Alaska Peninsula. Most of these rights were exchanged in 1980, but these subsurface holdings remain. Implementation of this bill will finally remove Koniag from the area and allow the Federal agencies better management capability.

Under the terms of the bill I am introducing, after a standard risk adjusted appraisal of the oil and gas rights, Koniag will exchange these holdings for Federal property in Alaska of equal value. In the event that Koniag and the Secretary of the Interior are unable after 5 years to swap lands accounting for the full value of the oil and gas, then Konaig will be given credits equal to the remaining untraded value of the rights. With these credits, Koniag or its assignee may bid on other Federal surplus properties. Any income from the disposal of its assets by Koniag will be shared with other Alaska Native corporations just as oil and gas income is shared under the terms of ANCSA section 7(i).

Mr. Speaker, a version of this bill has been considered and passed the House in 1992. Another version was approved by the Senate Energy and Natural Resources Committee in 1994. But we have never been able to get the bill all the way through the process. I hope to change that this year.

I have made a few changes in the bill which I am introducing today. The major change is to delete the wilderness designations which have previously been part of the bill. It was my hope that moderate wilderness designations in the bill would help the bill's consideration in this body and with the administration. Despite the courtesy and fair consideration by former Chairman MILLER, we were unable to move the bill last year. At the same time, the wilderness provisions drew opposition from other native corporations, local governments, and the State of Alaska.

I have also made minor changes to the sections of the bill regarding the mineral appraisal and the property account in response to suggestions made by the Department of the Interior and Office of Management and Budget. These provisions are similar to those in the bill approved by the Senate last session and were acceptable to the Congressional Budget Office. If there are other improvements which can be made to the bill, I will entertain them during the hearing process.

I look forward to working with the Secretary, with Mr. MILLER and the other members of the Resources Committee. I am confident we can resolve this long overdue issue for the benefit of the Alaskan Native community and for the American people.

INTRODUCTION OF THE ''SOUTHWEST PUBLIC HEALTH LABORATORY''

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. COLEMAN. Mr. Speaker, I rise today to introduce legislation that was passed overwhelmingly in the House but killed by the other body during the 103d Congress. The ''Southwest Public Health Laboratory'' was included in the conference report to S. 1569, the Minority Health Improvement Act of 1994.

This cooperative regional environmental laboratory would supplement existing public health laboratories within the border States. This is necessary due to the fact that State health departments have had difficulty meeting the increasing demands being made on them over the past several years. Basic duties, such as oversight of environmental conditions to reduce and eliminate health hazards, have become increasingly difficult to sustain due to tight budget constraints and increasing public health problems.

A recent incidental discovery of highly toxic fish in the Rio Grande exemplifies the need for additional laboratory capacity and the difficulty in detecting some of these potential health threats. In fact, polluted water and contaminated food cause much higher rates of gastrointestinal and other diseases along the border than in the rest of the United States. For example, hepatitis A is two to three times more prevalent along the border than in the United States as a whole. This is a critical problem in my home county of El Paso. The rate of amebiasis, a parasitic infestation, is three times higher along the border than in the rest of the United States and the rate of shigellosis, a bacterial infection, is two times higher. These diseases don't check with immigration or customs inspectors for either country before crossing borders, nor do they remain at the border. Once these diseases are in the United States they become a public health problem for the entire country.

I urge my colleagues to support this important legislation. This will not only benefit the southwestern border region, but the entire U.S. population.

A SPECIAL ''DEAN''

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. WALSH. Mr. Speaker, the most recent edition of the Empire State Report, January 1995, contains an excellent article about the Washington based correspondent for the Watertown Daily Times known to those of us in the New York delegation as the Dean. Alan Emory has served his newspaper and the people of the north country for 43 years with distinction, style, and grace.

Recognition from our peers is always a treasured commodity. Last December, Alan was elected president of the Gridiron Club, an association of Washington journalists, because of his long-time service and professional dedication to his chosen field of endeavor. He is respected and admired within the fraternity of journalism as this honor clearly indicates. Among those in Congress who respond to his inquiries, Alan is known for his fairness and integrity. This in itself is the mark of a true professional.

I am enclosing the above-mentioned article for the RECORD. It is a well deserved tribute for one of the true gentlemen in journalism today.

THE DEAN

[By Jonathan D. Salant]

At one of U.S. Sen. Daniel Patrick Moynihan's infrequent gatherings for the Washington press corps from New York newspapers, a *New York Times* reporter attempted to sit in the front row.

''No, no, no,'' Moynihan sputters. ''That's the dean's seat.''

The ''dean'' in this case refers to Alan Emory, the 72-year-old correspondent for the *Watertown Daily Times*. Most of the reporters who join Emory weren't born when he came to Washington 43 years ago, the result of an effort by his publisher to give the readers something more in exchange for a price hike. The rest of the New York press corps watches Emory take his seat in front and pour a cup of coffee for the senator. They sit silent deferentially to allow Emory to ask the first question, much as the senior wire service reporter opens presidential news conferences.

Emory began covering Washington before Moynihan, who later served in the administration of four presidents, began his career in public service as an aide to then-Gov. Averell Harriman. Emory has covered Govs. Thomas Dewey, Harriman, Nelson Rockefeller, Malcolm Wilson, Hugh Carey and Mario Cuomo. He has covered Sens. Irving

Ives, Kenneth Keating, Jacob Javits, Robert Kennedy, Charles Goodell, James Buckley, Alfonse D'Amato and Moynihan.

Emory has reported on the administrations of Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan and George Bush.

Come March, he'll be dining with Bill Clinton.

''It's a very exciting prospect,'' Emory says.

In December, Emory was elected president of the Gridiron Club, an association of powerful Washington journalists. Some of his predecessors include David Broder, Helen Thomas, Carl Rowan and Jack Germond. Emory says he can't remember another reporter from a small newspaper being elected club president.

Each March, the Gridiron Club holds an ultra-exclusive white-tie dinner featuring the president, his cabinet, and most of Washington's top public officials and politicians. Like the Legislative Correspondents Association's annual show in Albany, the Washington reporters write parodies poking fun at Republicans and Democrats alike. As club president, Emory gets to dine with Clinton and must keep an eye on him throughout the show, the better to report back to the membership on how he reacted to the skits.

Clinton gets to deliver a rebuttal following the show. Next year's speakers also include Moynihan and former Education Secretary Bill Bennett.

It's been a long journey between dinner with the president and Watertown, where Emory first was hired in 1947 after graduating from Columbia University with a master's degree in journalism. (He attended Harvard University as a undergraduate.)

Emory was covering the Dewey administration in Albany when his publisher, John Johnson, called him in August 1951.

''We're going to raise the price of the paper. We owe the readers something,'' Emory recalls Johnson telling him, ''How would you like to go to Washington?''

Emory jumped at the chance. He and his wife, Nancy, packed up and moved south. Shortly after arriving in Washington, they found a house on a lake in a Virginia suburb. They've been there ever since, raising three children. They now have four grandchildren as well.

He's traveled with presidents, covered the White House, and written on foreign affairs. But his bread-and-butter is the local, day-to-day coverage of New York affairs in Washington. The congressional delegation. The St. Lawrence Seaway. The state lobbying office. Politics. Federal decisions as they affect the Empire State.

The New York connection has served Emory well. At the 1960 Republican National Convention, Emory got there a few days early and hung out with aides to then-New York Gov. Nelson Rockefeller. They told him that Rockefeller was not going to be nominated for president against Richard Nixon. A national scoop.

''I got the story long, long before anyone else even came close to it,'' Emory says.

Likewise, at the 1968 Republican convention, while waiting to interview with William Miller, the former upstate New York congressman who was Barry Goldwater's running mate four years earlier, Emory found a poll that showed Nixon being more popular than Rockefeller in New York. The two men were competing for the 1968 Republican presidential nomination. Emory gave his story to the Nixon folks with the stipulation that they agree to credit his newspaper if they used the information. Sure enough, there was Nixon a few days later, quoting the *Watertown Daily Times.*

Emory spends much of his time chronicling the Watertown-area congressman, John McHugh (R-Pierrepont Manor). McHugh was three years old when Emory first went to Washington.

''I took my first lessons about politics from Alan Emory's column,'' McHugh says. ''I've read about his experiences and his observations. I finally had a chance to meet with him face-to-face and work with him. It was a thrill for me. To most people in the North Country, Alan Emory is our window on the Capitol.''

Many regional reporters in Washington move onto greener pastures. They land jobs at larger papers or enter the government. Emory says he has never tired of his job or the Watertown paper. He once had a shot at a bigger paper, but it fell through. Otherwise, he says, he's never wanted to leave.

''Watertown treats me like a member of the family,'' he says. He goes on vacation when he wants. He has the time to do projects like Gridiron. The paper was very supportive when he underwent cancer treatment a few years back.

One of Emory's friends, Allan Cromley of the *Daily Oklahoman,* walks by. ''Don't believe a word he says,'' Cromley says. Emory smiles and goes on.

''When people play up to the big metropolitan papers, there's that frustration,'' Emory says. ''But there's a counterweight that comes if you luck into somebody from your neck of the woods who gets way up there.''

Eisenhower's press secretary, Jim Haggerty, used to work for Dewey. Nixon's secretary of state, William Rogers, was a native of St. Lawrence County. Former Central Intelligence Agency chief Allan Dulles was a Watertown native. All became sources for Emory.

Others from the North Country have passed through. Former state Sen. Douglas Barclay of Pulaski chaired President Bush's upstate campaign in 1988 and was named to the Overseas Private Investment Corporation. Former North Country Rep. Robert McEwen was appointed by President Reagan to one of the joint U.S.-Canadian commissions. Former Assistant Education Secretary Donald Laidlaw was an Ogdensburg native.

Another official, former Republican National Committee Executive Director Albert (Ab) Herman, had played professional baseball in Watertown. Emory wrote a story about him, and Herman began hearing from old friends long forgotten. ''He was a fabulous political source from then on,'' Emory recalls.

In the 1950s, the federal government used to publish a book listing the home congressional district of numerous federal workers. Anyone hailing from the North Country's congressional district could expect a call from Emory.

''I would leaf through that book, call them up and do interviews,'' Emory says. ''These were people nobody had ever been in touch with before. They started getting mail from old neighbors who saw their write-ups in the Watertown Daily Times. Also, it gave me all kinds of contacts. If the individual didn't have the answer, he could lead me to someone who did.''

A U.S. senator named Hubert Horatio Humphrey became a source as well. Humphrey and Emory's mother, Ethel Epstein, served together on the board of the liberal Americans for Democratic Action.

Emory lists Humphrey and former Michigan U.S. Sen. Philip Hart as his two favorite politicians. He came to know Hart after an aide to New York U.S. Sen. Herbert Lehman joined the Michigan senator's staff.

Among contemporary politicians, it is Cuomo, who Emory landed as the speaker for the 1988 Gridiron show, who is his favorite. Cuomo sent him a note a couple of years back for his 70th birthday.

Had Cuomo run for president, he might have been the chief executive accompanying Emory to the Gridiron dinner next March. But Emory says he's not surprised Cuomo never went for the White House.

''I was never totally convinced that he wanted to undergo the battle,'' Emory says. ''He would have loved to be president but he would have hated to be a candidate.''

BONILLA-EDWARDS ESA MORATORIUM AMENDMENTS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BONILLA. Mr. Speaker, today, Congressman CHET EDWARDS and I are introducing the Endangered Species Act moratorium amendments. This bipartisan legislation will help put a stop to the current abuses of the Endangered Species Act [ESA]. In its current form the Endangered Species Act—though well intentioned—works contrary to, and often against, one particular species—the human being.

Many hardworking ranchers, farmers, and homeowners in Texas have a greater fear of the golden cheeked warbler than they do of tax hikes and tornadoes. In my own hometown of San Antonio, TX, the entire source of water has been held hostage by Federal agencies and courts over a small fish called the fountain darter. This bill is an important first step to allay some of those fears and bring common sense to the ESA process. We in Congress must act and ensure that human beings no longer play second fiddle to spiders and snakes.

Specifically, this legislation will suspend the further listing of endangered or threatened species and the designation of new critical habitat until the Endangered Species Act is reauthorized by Congress. The ESA's authorization expired in 1992. This bill is a realistic vehicle toward reforming the ESA. Passage of this bill compels Congress to consider human factors and bring balance to the ESA when it considers the reauthorization. ESA must be reconstructed with amendments which not only protect the environment, but respect property rights.

Protecting property rights does not mean that threatened species cannot be protected. It simply means that human costs should be considered when the ESA is imposed. It also means that Government agencies, such as the Fish and Wildlife Service, should be creative in finding ways to balance these goals, rather than slamming the heavy fist of the Federal bureaucracy down on landowners. The Federal Government should work in concert with the true stewards of the land, instead of threatening them with fines without warning.

Please join me in cosponsoring this important legislation. It is long since past the time that we brought sanity and common sense to the ESA process. This legislation will stop current abuses and make possible real reform of the ESA. Thank you.

ONE-YEAR ANNIVERSARY OF THE NORTHRIDGE EARTHQUAKE

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BEILENSON. Mr. Speaker, 1 year ago, the Nation's costliest disaster struck the Los Angeles area. The Northridge earthquake, the epicenter of which was in the end found to be in the 24th Congressional District that I represent, changed forever the lives of those of us who experienced the 6.7-magnitude quake.

The extraordinarily quick response of my colleagues in Congress in passing legislation to ensure the delivery of urgently needed Federal funds to help the victims of this natural disaster was one of the most generous and gratifying that I have experienced. Despite the debate over the size of the Federal budget deficit, and the anxiety in Congress—an apprehension that is not entirely misplaced—about adding to that serious problem, Congress approved quickly the $8.6 billion in earthquake relief that was so urgently needed. For my constituents and those of other Members whose districts were hit so hard by this disaster, I remain extremely grateful to my colleagues for their support and compassion.

Mr. Speaker, even now, we find it difficult to explain to those who live outside the area the disruption in the lives of so many people in southern California caused by this devastating earthquake. It not only destroyed homes and schools and roads, but also caused permanent job losses in an area that was already racked by a severe recession.

Yet, we have made remarkable progress in recovering from a disaster that caused nearly 60 deaths, left thousands homeless, and caused property damage estimated at more than $20 billion. The Federal Emergency Management Agency, which so splendidly coordinated the network of some 13 Federal agencies and 3,600 employees in responding to the damage caused by the quake, estimated that 92,000 buildings were damaged and 20,000 dwelling units had to be vacated. So far, over 500,000 individuals and businesses have received in excess of $5 billion in Federal aid, a figure that surpasses Federal assistance after any previous U.S. disaster.

I cannot adequately describe for my colleagues what a magnificent job FEMA and other Federal, State, and local agencies have done overall in responding to this disaster. At a time when Government is so often criticized, we should be extremely proud of all these Government agencies, programs, and employees. As the Los Angeles Times recently said, Government agencies responded ''with the most splendid emergency assistance program in U.S. history.'' It marked a first for disaster officials who had never been called upon to provide emergency assistance to so many people. In fact, the over 20,000 dwellings that were made uninhabitable by the quake were the equivalent of an entire mid-size American city being wiped out.

And, while the Federal Government responded efficiently to the mounting challenges caused by the earthquake to help rebuild a region that is so crucial to the entire Nation, we were all especially impressed by the volunteers from all over the country who came to our area in the San Fernando Valley and in Ventura County to help. Individuals from the Red Cross, the Salvation Army, and from many religious organizations in every region of the country provided food, shelter, clothes, day care, and help in cleaning up. All Members should be proud of the response of their own constituents to our constituents in their time of need.

Mr. Speaker, Federal aid was urgently needed to ensure that victims of this massive earthquake were able to recover—and the great majority of individuals and businesses have been able to do so, or at least make a very good beginning, within the year since the quake hit. We have been able to rebuild our badly damaged transportation infrastructure, repair our schools and homes, and revive the economic health of our area.

Of course, much work remains to be done. But the words most often used to describe the residents of the area are resilience and confidence. Even as another natural disaster—the third that has affected my district within 15 months—struck our area, my constituents have rebounded; they are helping each other, just as they did following the firestorms and the earthquake, because as we all know, the Government simply cannot rescue everyone. This is one of the most significant lessons of this major disaster.

Mr. Speaker, I commend my colleagues, the thousands of volunteers from all over the country, the local, State, and Federal governments, and most of all, the residents of the San Fernando Valley and Ventura County for every effort made to rebuild and reconstruct our area and bring us back from the costliest natural disaster ever in North America.

BISHOP HEAD CELEBRATES ANNIVERSARIES

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. QUINN. Mr. Speaker, I rise today in honor of Bishop Edward D. Head as he celebrates his 50th anniversary as a priest and 25th anniversary as a bishop.

In commemorating this occasion, we honor a man of towering strength and dignity, a man who, through his years of dedicated service to his church and his community, has earned a reputation for leadership, compassion and generosity. He has led the diocese of Buffalo through the difficult and tumultuous years of the last decades with unwavering faith and commitment.

His devotion to the values and traditions of the Catholic Church in the changing times has only strengthened the bond the church has in western New York, and has provided a haven for those in need.

Bishop Head was ordained a Catholic priest on January 27, 1945, in St. Patrick's Cathedral, New York City, by the late Cardinal Francis Spellman.

Pope Paul VI named him a bishop in 1970, and he served as auxiliary bishop of the Archdiocese of New York until he was appointed bishop of Buffalo in 1973.

Bishop Head was born and raised in New York State. He studied at Cathedral College in New York City, did graduate work at Columbia University and studied theology at St. Joseph's Seminary.

After his ordination, he taught sociology and did parish work until he was appointed to the staff of Catholic Charities of the Archdiocese of New York in 1947. A year later, he received a master's degree in social work from the New York School of Social Work. He continued his work with the Catholic Charities until his ordination as auxiliary bishop in 1970.

Mr. Speaker, Bishop Head is a man who has generously devoted his life to working toward the betterment of his community. He is a tribute to the people he serves in western New York, and it is only fitting that we honor him today.

COMMENDING BRUCE AIKEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to Bruce Tansill Aiken, a native of Brownsville, Texas, who has dedicated his life to teaching the history between Mexico and the United States. In light of the fact that the Mexican-American War is often omitted from the time lines of this country's history, this is a particularly painful time for those of us who live in the American Southwest.

This reality makes the illumination of the relationship between the United States and Mexico pivotal to understanding our future together. As an educator with a specialty in military history, Bruce Aiken has been the leading teacher of local history and area military history for our entire community.

Many of those who occupy the Southwest are descended from families who have occupied this place for hundreds and hundreds of years—long before the American Revolution, much less the war for Texas' independence or the War with Mexico. Still others are descended from the immigrants who came to the United States from Mexico in search of a better social and economic life. Mexico has played a role in shaping our country since the beginning of our history—and Bruce Aiken has spent his life teaching people how to understand that integral relationship.

After his service in the U.S. Army, Bruce served the Brownsville community as Administrator of the Brownsville Independent School District. From there, he joined the faculty of the University of Texas at Brownsville—and later became the executive director of the Historic Brownsville Museum, an association for which Bruce was the founding director.

He is a widely recognized resource on local history for other authors, as well as an author in his own right. His outstanding work was recognized by Governor Ann Richards in 1993 by his appointment to the Texas Historical Records Advisory Board. In 1982 he was appointed to the Texas Professional Practices Commission by Governor Dolf Briscoe. In 1985 the Texas Historical Commission awarded Bruce a Citation for Distinguished Service.

Bruce and I worked together on a project that was of great importance to me—establishing the Palo Alto National Battlefield Historic Site, just outside of Brownsville. Palo Alto was the only site of battle waged north of the Rio Grande between the U.S. and Mexico during the War.

In 1993 Bruce was the co-host of the first annual Palo Alto Conference. This historic conference brought together academics, anthropologists, historians, political scientists, sociologists and military research analysts from both Mexico and the United States. It was the first time such a gathering occurred, and the lessons we all learned were monumental.

Mr. Speaker, Bruce Aiken is a special man who has taught the Brownsville community much more about our history than anyone could have ever imagined. He has added to the history of our area, and our community is grateful to him for his efforts to bolster our education so that we will be better able to understand our future. January 19, 1995, has been declared ''Bruce Aiken Day'' by the Board of Directors of the Historic Brownsville Museum Association. I hope my colleagues will join me in paying tribute to Bruce Aiken, a very special patriot, historian and teacher.

WILKES-BARRE SOCIAL SECURITY CENTER FOR DATA OPERATIONS CELEBRATES 50TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to commemorate the 50th anniversary of the Wilkes-Barre Center for Data Operations of the Social Security Administration. This facility provides employment for more than 1,000 residents in my district.

Although the facility is now housed in a brand-new, state-of-the-art complex, this was not always the case. In the early 1980's, the Social Security Administration sought to consolidate and modernize its operations in Wilkes-Barre, which at that time were scattered about several buildings in the area. The operation needed more space and the possibility existed that the entire operation would leave northeastern Pennsylvania.

After several setbacks in finding a location for a new facility, I testified before the Appropriations Committee on the need for funding a new building. In the fall of 1986, the House and Senate approved my amendment to provide funding for a brand new facility in the Wilkes-Barre area.

For almost 2 years, problems were encountered in finding an appropriate site for the new facility. Then, in late 1988, I worked with Governor Robert Casey and State senators and representatives to draft legislation to sell 200 acres of land in Plains Township to the Greater Wilkes-Barre Industrial Fund which would convey 35 acres to the GSA for construction of the building. In the months to follow, GSA determined that the construction of the new facility would actually save more than $9 million over the life of the facility. More funding was appropriated for the project in 1990. In continued partnership between the Commonwealth of Pennsylvania and the Federal Government, the appropriate State legislation was passed, and in late 1990, the legislation for the transfer of the land from the Commonwealth to the industrial fund was signed into law. In 1991, the site for the new building was announced to the public.

Mr. Speaker, one of the proudest moments of my tenure in Congress came on November 29, 1993 when I joined Federal, State, and local officials in dedicating the new Social Security Center in Plains Township. Dedicating the facility signified the realization of a goal which I set when I was first elected to Congress. This new building assured the continued presence of the SSA in my district and secured more than 1,000 jobs for my constituents.

The building stands today as a tribute to the work ethic of the people I serve. It is also a monument to the cooperation and partnership possible among the Federal, State, and local governments. I am extremely pleased to congratulate the WBDOC on its 50th anniversary and to have this opportunity to thank the Social Security Administration again for its continued faith in the people of northeastern Pennsylvania.

INTRODUCTION OF THE NEVADA FOREST PROTECTION ACT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mrs. VUCANOVICH. Mr. Speaker, 6 years of persistent drought has produced large areas of dead and dying trees and other accumulated fuels in Nevada's forested lands. The 1994 wildfire season was the worst in history, and extreme wildfire danger still exists in many of the forested lands in Nevada, including the Lake Tahoe area which, in addition to the drought, has suffered years of insect infestation, resulting in a dangerous overloading of fuels.

Last year, over 780 wildfires occurred throughout Nevada, involving well over 215,000 acres affecting areas near Caliente, Hallelujah Junction, Panacea, Lone Mountain, Bull Run, Mahogany Springs, Holbrook Junction, and Verdi. Both Federal and State resources were stretched to the limit fighting fires across Nevada as well as helping out in other States.

The risk of intense wildfires threatening the safety of people and property, like the ones that flared across Nevada and other Western States last year, can be significantly reduced by removing excessive fuel accumulations including slash piles and dead trees that become fuel ladders.

Today I am reintroducing the Nevada Forest Protection Act to preserve the health of Nevada's forested lands and to protect the lives and property of those who live in or near forested lands. This legislation requires the U.S. Forest Service and the Interior Department, working with State officials, to identify high-fire-risk Federal forested lands and to clear the forest fuels in those areas. My bill also calls for a long-term fire prevention plan to be designed by the Forest Service and Interior so that the dangerous buildup of fuels will no longer continue unchecked.

Preemptive action now will be cost effective in the long run, since the cost of fighting fires as they occur is significant. This legislation is vital in the process of preventing wildfires and improving the health of our Federal forested lands. I hope all my colleagues will support my efforts to ensure responsible management of these invaluable lands.

ALICE SPEARS TO CELEBRATE HER 100TH BIRTHDAY

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. LAHOOD. Mr. Speaker, Saturday, January 21, 1995, will be a very special day in the lives of a wonderful family living in Peoria, IL.

Alice Agnes Spears will be celebrating her 100th birthday.

Her three sons, Joseph, George, and Bill, along with 13 grandchildren; 23 greatgrandchildren; and 2 great-great grandchildren, with family and friends, will celebrate a life of caring and inspiration for those whose lives have been touched by this devoted lady.

I ask my colleagues to join me in wishing Alice Agnes Spears a very happy 100th birthday.

TRIBUTE TO WOODROW W. WOODY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Woodrow W. Woody, president of Pontiac Motor Sales, Inc., parent company of the Woody Pontiac auto dealership in Hamtramck, MI.

Woodrow Woody is a remarkable person who has earned an impeccable reputation for hard work and service. In commemoration of Woody's 55 years of service, I am sharing a recent article from the Oakland Tech News that highlights Woody's American dream:

Never mind the Detroit Institute of Arts or Greenfield Village—the real treasure trove of local history is stored at the Woody Pontiac dealership in Hamtramck.

Woodrow W. Woody, president of Pontiac Motor Sales, Inc., parent company of Woody Pontiac, turned 87 years young on November 15 and his dealership celebrated 55 years of service on January 2.

After being honored by the Automotive Hall of Fame with its Distinguished Service Citation award recently, Woody, a friend of presidents and popes, took a few moments at his second-story office to talk about his career.

Woody finds great irony in being considered a civic institution in Hamtramck, where his Woody Pontiac dealership has been located at the northern end of Joseph Campau since January 2, 1940. Ironic because Hamtramck has been known as Detroit's Polish enclave while he was born in Lebanon in the Middle East.

''When I first applied for the dealership, the district manager said, 'Hamtramck is all Polish and you're not Polish, so what do you want to go there for?''' Woody recalled.''I said, 'well, I'm dating a Polish girl so if you give me the franchise I'll marry her.'''

Franchise? Yes. Girl? Ditto.

Almost 55 years later both the dealership and his marriage to the former Anna Martes are still going strong. In between, Woodrow and Anna have had a life that most only dream of—owners of the Hillcrest Country Club in Mount Clemens, world travelers and

they swim with a social crowd that is definitely upper crust.

Play a ''famous name'' word-association game with Anna Woody and here's what you get:

Pope John Paul II?

''Oh we knew him before he was the Pope.''

Richard Nixon?

''He used to write us the nicest cards and letters.''

John DeLorean?

''We knew him even before he went to school.''

The photographic ''wall of fame'' known as Woody's Gallery takes up much of the second floor of the dealership. A short list of some of the celebrities that the Woodys have had their picture taken with includes: Pope John Paul II, Dwight Eisenhower, Rocky Mariciano, Helen Thomas, George Bush, Dan Quayle, Bill Milliken, Bob Hope, Gerald Ford, Bob Dole, Phyllis Diller, Jack Nicklaus, and Ronald Reagan.

Among the notable photos:

Woody and Anna in the Oval Office of the White House in 1973, presenting then-President Nixon with a petition full of signatures of encouragement. (Nixon was sinking under the weight of Watergate at the time.)

A 1975 photo of the Woodys with Frank Sinatra and Danny Thomas, the late comedian who was a Detroit native and was also Lebanese.

Pope John Paul II visiting Hamtramck in 1987, traveling down Joseph Campau in the ''popemobile'' with the Woody Pontiac dealership in the background. (Alas, the popemobile is a Mercedes and not a Pontiac.)

A foursome-photo of Woodrow Woody together with Charles Dalgleish, Ed Rinke and Babe Krajenke. (Doug Dalgleish Sr. says it was the last photo taken of his father before he died.)

''And all four of us were 75 years old when that photo was taken,'' Woodrow Woody noted of Detroit's most famous car-dealers.

Mona Louis was recently named general manager of the dealership and she says that not much will change because of the legacy Woody established.

''He has fun doing it (working at the dealership) and he comes across just the way he really is,'' she said. ''People like him and trust him, because he might've sold a car to their parents or maybe even their grandparents.''

Even at 86, Woody videotapes a new 30-second TV commercial every six months or so and they still travel as much as is practical, having just recently come back from Memphis where they attended a function supporting St. Jude Children's hospital program started by Danny Thomas.

Woody reflects that his dealership has been so successful over the years because of a good product to sell, whether it was the Catalinas and Torpedos of the 1940s and '50s or the Grand Ams and Grand Prix of today. (Woody himself drives a Bonneville.)

''In my opinion,'' Woody said, ''the Pontiac car is in a class by itself because it's loved by young people, middle-aged people, and older people. You can't really say that Pontiacs are only for the younger buyers. Our customers' ages vary across the board.''

The secret to Woodrow W. Woody's success? Woody himself provides the answer when a phone call comes in asking him where he'll be next week.

''Right where I've been for the last 55 years,'' he said. ''From 9:00 a.m. until 6:00 p.m., from Monday through Friday, I'm at the dealership and there's nowhere else in the world I'd rather be.''

A TRIBUTE TO ED MADIGAN

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 11, 1995

Mr. WELLER. Mr. Speaker, I would like to take a moment and reflect on the great loss Illinois has felt with the passing of our friend, former U.S. Secretary of Agriculture Ed Madigan, a longtime Member of this House.

Growing up on a farm in Dwight, IL, and being an active member of 4–H and Future Farmers of America, I have very fond memories of my onetime Congressman, Secretary Madigan and the great impact he had as a respected leader in Illinois and among the farming community.

His gentle ways, strong midwestern values and great sense of humor are how I remember him best. He was a staunch supporter of his party and a tireless campaigner on behalf of those he felt could make a difference in Washington.

It was an honor this past summer when Secretary Madigan came to the 11th District of Illinois on my behalf and spoke to a group of supporters about the need to send new leaders to the U.S. Congress. He said we needed to elect Representatives who would bring with them the hard work ethic and sense of family that is so entrenched in the Midwest.

Whether Secretary Madigan was talking about international trade concerns on behalf of the United States of America or discussing bean prices with local farmers in Peotone, IL—he was always gracious and respectful. He was always mindful of where he came from. The great State of Illinois has truly suffered a loss.

HONORING FRANK N. LIGUORI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with the constituents of my district in honoring Mr. Frank N. Liguori, chairman and chief executive officer of Olsten Corp., for his exceptional contributions to Long Island.

Mr. Liguori was recently profiled in the Long Island magazine for his outstanding accomplishments. It gives me a great deal of pride to reprint this article below for the benefit of my colleagues who do not know Mr. Liguori.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in honoring Mr. Frank N. Liguori for his many years of leadership on Long Island.

Reprinted from the Long Island magazine:

[From Long Island, January 1995]

SATISFYING BOTH SIDES

(By Christa Reilly)

A coin has two distinct sides, but it is valuable only as a complete unit. Frank Liguori, chairman and CEO, Olsten Corporation, North America's leading human resource services company and one of Long Island's top corporations, views the relationships between personnel and clients in a similar way. ''A good deal is good only if both parties are satisfied. We run our business with this kind of approach,'' he says.

When Olsten places an assignment (temporary) employee with one of its clients, it seeks to fulfill the needs of both parties involved, with the intent of ''custom matching'' the employee's skills to the right assignment. ''In essence, we have two customers—not only the client, but the employee assigned to the client,'' Liguori explains, ''and we must maintain a good balance. The industry has matured so that staffing agencies, such as Olsten, are viewed by business as a partner in managing their biggest cost—labor. And Olsten has customized its services to address this need.''

Olsten's Partnership Program weaves temporary staff into the fabric of a client's daily operations by managing entire departments or functions. Liguori explains, ''We place supervisory personnel on the client's site and, in effect, become part of the clients human resources department. We are already doing this for 150 major corporations.'' Liguori also applies a similar principle to the home health care side of Olsten's operations, Olsten Kimberly QualityCare. ''Our home health care staff blends in with the family as much as possible. They become an integral part of the patient's and family's daily life,'' he says.

Olsten's home health care business has mushroomed, thanks to a 1993 merger with Lifetime Corporation, doubling the size of the company, and Liguori's decision in the early '80s to have the health care side run autonomously by managers with health care expertise. ''The home health care business is driven by demographics—an aging population and the related cost of services. The need for cost-effective care plus advances in medical technology that allow more patients to convalesce at home make a compelling combination.''

When Liguori joined Olsten as a controller in 1971, the company had already begun testing the market for home health care, but it wasn't until the late 1970s, when Liguori had become chief financial officer, that the company established a full-fledged home health care business. Olsten built the business into a $100-million-a-year enterprise before acquiring Upjohn's home health care business in December 1990 and Lifetime Corporation's Kimberly QualityCare in 1993. As chief executive officer, Liguori steered Olsten through the Lifetime acquisition that included not only the health care business, but a major staffing services company in the United Kingdom. Olsten plans to explore additional staffing services opportunities in Europe this year.

If Liguori had a chance to negotiate a few deals regarding Long Island, he would like to see consolidation of overlapping bureaucracies and the reduction of costs. ''The quality of life is wonderful * * * but the high tax structure and overall cost of living make it very difficult for this region to recruit businesses, and for young people to grow up and stay on the Island,'' Fortunately, being a board member of the Long Island Association gives Liguori the means to provide input toward those ends.

Liguori is also on the board of trustees of the New York Institute of Technology, a board member of the Home Health Services and Staffing Association, a member of the American Institute of Certified Public Accountants, and on the consultant board of the Epilepsy Foundation of Long Island.

HONORING DETECTIVES WILLIAM CRAIG AND DONALD DIECIDUE, OFFICERS OF THE YEAR

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mrs. MEEK of Florida. Mr. Speaker, Detectives William Craig and Donald Diecidue of the North Miami Police Department's homicide unit were recently chosen to share the title of 1994 Officers of the Year.

I want to join with our community in congratulating these outstanding law enforcement officers on their selection for this great honor. Detectives Craig and Diecidue are truly community assets.

Life-long residents, Detectives Craig and Diecidue are each veterans with over 20 years of investigative experience. They are described by North Miami Police Chief Kenneth Each as highly dedicated professionals who consistently perform to the highest law enforcement standards.

Detectives Craig and Diecidue have worked together very effectively to solve some of the more serious crimes in North Miami, and due in great part to their bravery and diligence, our community is a safer place in which to live.

Thank you, Detectives Craig and Diecidue, for a job well done.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. DEUTSCH. Mr. Speaker, I rise to voice my support for S. 2, the Congressional compliance bill, and the conference report which passed the House on January 17, 1995. As the record shows, I voted in support of this measure twice: Once on August 10, 1994 at the close of the 103d Congress (H.R. 4822); and again on January 4, 1995, when the House of Representatives passed this measure in the 104th Congress. Accordingly, had I not been unavoidably detained in travel, I would have voted ''yea'' on the vote for S. 2.

TRIBUTE TO LIZ KNISS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to the Honorable Liz Kniss, outgoing mayor of the city of Palo Alto, CA, for her contributions to our community, particularly her extraordinary service as mayor during Palo Alto's centennial year of 1994.

Mayor Kniss made it a priority to use Palo Alto's leadership in high technology to better serve her constituents. As a highly effective advocate of using cutting edge technology in city government, she was successful in making Palo Alto the first city in the Nation to be on the Internet and help its citizens to connect with the White House on the information superhighway.

Liz Kniss knows the value of a strong, vital local economy and is an ardent promoter of the Palo Alto business community. During her tenure the city council passed the economic resources plan, a guide to making Palo Alto a place that will be attractive to businesses.

Liz Kniss is a powerful advocate on behalf of children and families. And because of her leadership, a Family Resource Center has been introduced and is destined to become a reality under her persuasive guidance.

It's been a privilege to work with Mayor Kniss and have the honor of representing her and the city she so ably serves. Mr. Speaker, Liz Kniss was an outstanding mayor of an outstanding city and continues to serve with distinction as a city councilmember. I ask my colleagues to join me in saluting her for her exemplary performance of her mayoral duties during Palo Alto's centennial year of 1994.

CONGRATULATIONS TO THE U.S. NAVAL SHIP REPAIR FACILITY ON GUAM: 50 YEARS OF EXCELLENCE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. UNDERWOOD. Mr. Speaker, 50 years ago, in January 1945, the U.S. Navy formally inaugurated the Naval Ship Repair Facility on Guam. In the years that have followed, SRF-Guam has demonstrated a standard of excellence and of service beyond the call of duty.

SRF-Guam was originally established during World War II as the industrial department of the naval operation base to meet the defense needs of the Western Pacific. It played a vital role in U.S. military successes to end the war in the Pacific by giving the U.S. Navy the flexibility and speed to meet its repair needs.

By the close of World War II, the naval operating base was staffed by over 4,000 personnel, utilized 11 floating drydocks and had as many as 166 commissioned vessels undergoing repairs at any given time. These repairs ranged from minor operational maintenance to rehab of major battle, storm and collision damage on aircraft carriers, battleships and cruisers. Since 1945, SRF-Guam has continued to perform these functions both in times of crises, such as the Korean and Vietnam conflicts, and peace.

Today, SRF-Guam is under the immediate command of Commander in Chief, U.S. Pacific Fleet and under the area coordination of Commander, U.S. Naval Forces Marianas. With its strategic location in the Western Pacific, SRF-Guam contributes vital repair, maintenance, overhaul, and shore support, including phased maintenance capabilities to the U.S. 7th Fleet, U.S. Coast Guard, Military Sealift Command and local Federal activities. Additionally, SRF-Guam provides authorized repair and shore support services to the Government of Guam and private agencies.

SRF-Guam is the only facility of its kind on U.S. soil in the Western Pacific. The jobs at SRF-Guam are being performed by U.S. citizens, and the investment we make in the workers is an investment in our future competitiveness.

The SRF-Guam Apprenticeship Program is a perfect example of an investment that has paid off and where the role of government has been constructive. Over the years, hundreds of young men and women have benefited from the skills they acquired during their training, which has enabled them to secure high-paying jobs that would not have been available to them otherwise.

On this 50th anniversary, I heartily commend the men and women who have served at SRF-Guam. Congratulations on your 50th anniversary and for a job well done.

LT. FLORENCE STARZYNSKI WASHINGTONIAN OF THE YEAR

HON. JOHN J. LAFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. LAFALCE. Mr. Speaker, I rise today to congratulate and acknowledge the achievements of Arlington Police Lt. Florence Starzynski who, through her tireless commitment to the community, has been honored as one of the 1994 Washingtonians of the Year by Washingtonian magazine. Each year, the magazine chooses from hundreds of candidates who have demonstrated a long-standing dedication to improving the Washington area community. Since 1971, nearly 400 individuals have been honored as Washingtonians of the Year.

Lieutenant Starzynski, a native of Buffalo, NY, attended Annunciation Grade School on the west side of Buffalo and the Holy Angels Academy in North Buffalo. Her commitment to others was apparent soon after her graduation from Oneonta State College when she began teaching at Kensington High School. Her subsequent service in the Peace Corps further illustrated her desire to improve the lives of others. Lieutenant Starzynski presently serves in the Arlington Police Force in Arlington, VA. I wish to thank Sister Louise Alff of the Franciscan Missionary Sisters of the Divine Child in suburban Buffalo, who informed me in advance of her sister's selection by Washingtonian.

As we acknowledge Lieutenant Starzynski's achievements here today, I wish to thank her for the compassion and selflessness she has shown towards her fellow citizens. By opening her heart and her home to the less fortunate, she has succeeded in making her community a better place for all.

I believe we would all do well to emulate such service. She has touched many individuals throughout her life and I wish her continued success.

LT. FLORENCE STARZYNSKI: 1994 WASHINGTONIAN OF THE YEAR

It was one of the most poignant moments of Florence Starzynski's career as an Arlington police officer. ''We went to this little clapboard house just off a main street and there was a man in there, mean as a snake and drunk as could be, carrying on and throwing stuff around. There were holes in the walls and this violent domestic fight and this poor, beaten-down woman trying to endure. And amidst this fury, this absolute fury, sat this little girl about 6 years old trying to do her homework. That image sticks with me.''

That's how Starzynski explains what drives her to do what seems to be nonstop volunteer work.

''When I get a call asking me to help someone out, I find it hard to think of a reason I can't. It always seems do-able.''

No matter what the request, Starzynski is always up to the challenge. When her kids had grown and left home, she added bedrooms to her house and started taking in homeless families, giving them a set of keys and letting them stay for as long as three months. She has three foster children: Ayalew, from Ethiopia, who is shown here, and two brothers from Cambodia.

She has driven patients to mental-health counseling or dialysis appointments; taught classes for the Offender Aid and Restoration program; visited nursinghome residents; and negotiated complaints for the Better Business Bureau. She also collects and distributes clothes and furniture, when necessary borrowing trucks and enlisting the aid of able-bodied helpers.

How does she find the time to help so much when she's working full-time?

''It just becomes a part of what you do. Last night I got a great big bag of clothes from somebody, so after dinner I went through the clothes, I made two or three phone calls, and this morning on the way to work I dropped off a bag here, a coat there. It's not a big deal. You get into a routine, you end up leaving 10 minutes early, and it's done.''

UNFUNDED FEDERAL MANDATES

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. MANZULLO. Mr. Speaker, today we have the opportunity to take action on an issue that we are all concerned with—unfunded Federal mandates on State and local governments and the private sector.

H.R. 5 restricts the ability of the Federal Government to impose unfunded mandates on State and local governments, and private-sector entities, without providing the necessary funds to fund them. Specifically, the bill establishes a Commission on Unfunded Mandates to make recommendations about existing mandates; requires Federal agencies to develop procedures to minimize unfunded mandates and to publish cost-benefit analyses of any new regulations expected to cost States and localities, or the private sector, more than $100 million annually; requires the Congressional Budget Office to prepare cost estimates of proposed mandates and requires congressional committees to report whether the mandates will be funded or unfunded; and establishes automatic points of order against legislation imposing unfunded mandates greater than $50 million.

I have heard from State, county, municipal officials, and employers in my home State of Illinois about this issue. These people live with the effects of unfunded mandates everyday. They see the costs in their communities every day in houses priced out of reach for first time homebuyers, in libraries reducing hours or closing doors entirely, and in the trade-offs that they have to make between police officers, health inspectors, firemen, refuse services, and every increasing taxes on their constituencies. For local and State governments, this is not a theoretical political science discussion—it determines in large measure how they do their job.

I am proud to come to the floor today and voice my support for H.R. 5, the Unfunded Mandate Reform Act. I care about this issue because I firmly believe that the Federal Government should have a limited role in our lives. Before being elected to Congress, I was a family lawyer in a small town for over 20 years. I had the opportunity to see up close and personal how my community was being destroyed by unfunded mandate after unfunded mandate from the Federal Government.

When I came to Washington in 1992, I came committed to doing what I could to end this unprecedented, unwarranted, and unfunded intrusion by the Federal Government into the affairs of local government.

While this bill does not repeal previously enacted mandates, at least it starts us on the path toward putting procedural roadblocks to unfunded Federal mandates.

This legislation is desperately needed because the Federal Government must adopt a coherent and fair policy regarding unfunded Federal mandates. That policy should be that the Federal Government should fund its mandates. That policy should further reflect the philosophy that if the Federal Government is going to weigh in on a problem or issue and propose remedies and requirements, then the Federal Government must set priorities and find a way to pay for them.

H.R. 5 embodies this philosophy. If adopted, it will establish a new, more responsible relationship between Washington and State and local governments that says the Federal Government will provide them with the necessary resources whenever it asks them to meet or satisfy any Federal standard. That is why the enactment of this bill is so important.

You can imagine my surprise when this bill is described as radical and revolutionary. One opposition group describes it as an effort to roll back most of the great social gains our Nation has made in the past 50 years. It isn't and it won't—and the people who oppose our bill know it.

What is truly radical is the way Congress currently handles mandates. There is no authorization and appropriation process, and therefore no priorities are set. Over 200 years ago, the Founding Fathers figured out that there would be more good ideas than money. Unfortunately, a number of my colleagues have not.

When Washington faces a serious problem, it only has three options available to it. It can increase revenues to fund new programs. It can eliminate old programs to fund new ones. Or it can pass on the costs of new programs to others: State and local governments. This is just a form of indirect taxation. Guess which one is most politically expedient in Washington, DC?

Unfunded Federal mandates are also the most expensive way to accomplish these good and sometimes not so good ideas. There is no incentive to discover the most cost-effective way to implement a program if some one else is paying for it. In fact, the regulations can be as cumbersome and inefficient as the Federal bureaucracy wants because they are not responsible for compliance. State and local governments are. Washington gets to feel good—and local governments get to pay the tab. It is like your friend making a big show of buying your dinner at a fancy restaurant, but when the bill comes, he is nowhere to be found, and you get stuck with the tab.

Around the Nation, some State legislatures have begun convening joint sessions with their Federal representatives, asking them to explain the how and why of their positions and their voting record on mandate issues. Even the news media is beginning to cover this issue. It does not have, as Philadelphia Mayor Ed Rendell puts it, the sexiness of many other issues, but its impact cannot be understated.

However, our day has come. If the new Congress is going to show real leadership, this bill must pass. I urge my colleagues to pass this bill and oppose all weakening amendments.

AWARD WINNERS FOR THE DALE CITY CIVIC ASSOCIATION AWARDS BANQUET

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure today to rise and bring the attention of my colleagues to some very special and important people in my district, the 11th District of Virginia. These are the people who put the good of their community, Dale City above their own needs, not only performing their jobs, going above and beyond the call of duty, becoming role models to others in their professions and to other volunteers. They will be honored on Saturday January 21, 1995 by the Dale City Civic Association, one of the largest, most active and accomplished citizens associations in the Commonwealth of Virginia. I would like to offer my congratulations to the following award recipients.

Middle School Teacher of the Year—Ms. Cheryl ''Tonie'' Lorson. Ms. Lorson has been an educator at the Mills E. Godwin Middle School for over 10 years. Her dedication and love of her work is reflected in the children of the community.

High School Teacher of the Year—Ms. Emily O'Connor. Ms. O'Connor is a teacher who is currently head of the work and family studies department at Garfield Senior High School. She is one who gives generously of her time and demonstrates the highest levels of professionalism and competence.

Elementary School Teacher of the Year—Mrs. Kathy Letsky is a devoted teacher at Christa McAuliffe Elementary School. She is also the head of McAuliffe 2000, the early childhood demonstration school grant that McAuliffe Elementary School received in 1992. This grant has let the school be a demonstration school site. Her devotion has made the program a success.

The Young Citizen of the Year—Ms. Krista Weathers Mann. This young lady has done many things in a very short time. She has been a Girl Scout for the past 12 years, involved in the Adopt-a-Grandparent Program, is a musician, dancer, and Thespian. Despite all of these activities she has maintained a 4.0 grade point average.

Police Officer of the Year—Officer M.H. Hustwayte. Officer Hustwayte was selected to serve in the Residential Police Officer Program in February 1994. Since that time the crime rate in that community has fallen due to his bridge building in the community.

Nurse of the Year—Ms. Joanne Grant. Although she moved to the area 4½ years ago

she has been involved in many community programs for the betterment of the community.

The Community Service Award Winner—Mr. Adolphus ''Doc'' Nelum. Mr. Nelum has been extremely active in the Dale City Lions Club as well as the Dale City Civic Association for many years.

Citizen of the Year—Ms. Earnestine White. Ms. White's work as a mother, nurse, and church member has made her a very busy woman. But, her dedication to all of these tasks has made her a role model and someone deserving all of our admiration and respect.

The Firefighter of the Year—Lt. Eric Wyatt. Lieutenant Wyatt has been with the Dale City Fire Department for over 5 years as an unpaid volunteer. Over the years he has gained the respect of his peers and members of the community.

The Emergency Technician of the Year—Mr. Desmond Miller. Mr. Miller has been with the Dale City Fire Department since 1991. He has put in many long hours providing emergency services to the citizens of Dale City.

Mr. Speaker, I also know my colleagues join in with me in congratulating these outstanding citizens for their tireless efforts to make Dale City a better place to live.

The Dale City Civic Association was created nearly 30 years ago and hosts an annual service awards banquet. In addition, the association awards a number of scholarships for college bound students from Dale City and monitors development and serves as a sounding board for citizens and businesses.

HAPPY 25TH, OIC OF METROPOLITAN SAGINAW

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to the Opportunities Industrialization Center of Metropolitan Saginaw on its 25th anniversary. OIC of Metropolitan Saginaw has been of invaluable assistance to its more than 7,000 graduates and 32,000 other individuals who have obtained jobs over the past quarter century as a direct result of the outstanding devoted assistance provided by the most capable personnel of OIC who serve under the direction of their chairman, Martin H. Stark, and its executive director, Frederick Ford. OIC of Metropolitan Saginaw serves people in Saginaw, Bay, and Midland counties.

Mr. Speaker, in these times of economic fluctuations, people see their careers changing several times. Sometimes the change is a matter of choice, taking advantage of a new opportunity. Other times the change is a matter of necessity because of what is happening with existing industries. In either case, programs like OIC of Metropolitan Saginaw are invaluable to the people in the community.

Everyone is excited about the opening of a new OIC center in Saginaw later this year. It will provide additional space for many important programs, including Project Rescue, which helps out-of-school teenagers to improve their school work ethic so that they can return to our regular school system. It will also be a unique OIC facility having a chemistry lab that will be supported by an important business neighbor in the Saginaw metropolitan area, Dow Chemical.

Opportunities Industrialization Centers are well known to our colleagues. They operate throughout the country and they have helped many get their high school diploma, or their graduate equivalency degree with its Comprehensive Competencies Program. OIC of Metropolitan Saginaw is a national leader in the success that it has with this program.

Our colleagues will agree, Mr. Speaker, that a double problem we face today is having job skills that meet job opportunities, and a work ethic that meets the demands of a competitive work place and a competitive economy. As our industries have retooled and refocused their objectives, so to have many of our workers. Much of what we have accomplished in the past several years with reducing unemployment and making our workers more productive could not have been accomplished had it not been for community-based, citizen and business supported OIC's. I personally congratulate the Opportunities industrialization Center of Metropolitan Saginaw for its many, many fine accomplishments since its inception in June 1969, and I look forward to doing what I can to join with the Saginaw metropolitan community in supporting this excellent entity and its committed leadership and staff for continued success in the years to come.

REGARDING THE TAIWAN-MAINLAND CHINA RELATIONS UNDER PREMIER LIEN CHAN

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 19, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to bring to my colleagues' attention to an excellent article by Dr. Winston L. Yang, chairman of the department of Asian studies at Seton Hall University in South Orange, NJ, discusses the Taiwan-Mainland China relations under Premier Lien Chan of Taiwan.

Mr. Speaker, it is my hope that my colleagues will refer to this article when issues related to the future of Taiwan and the Republic of China are debated on the House floor.

The article follows:

TAIWAN-MAINLAND CHINA RELATIONS UNDER PREMIER LIEN CHAN

(By Winston L. Yang)

Since his appointment as Premier of the Republic of China (ROC) on Taiwan in early 1993, Lien Chan has been advocating more people-to-people exchanges between Taiwan and Mainland China in the media, culture and art, economy and finance, and science and technology. He attaches special importance to the free exchange of information between the two sides of the Taiwan Straits to promote better understanding and cooperation in these fields. Lien calls upon the Communist authorities to leave behind the ''It's you or me'' zero-sum conflict, and to join the ROC in creating a ''win-win'' situation. A win-win policy is the best guarantee, in his view, for achieving national reconciliation and eventual reunification.

Lien Chan has repeatedly stressed that the ROC is entitled to enjoy international recognition prior to reunification. The ROC's decision to participate in the U.N. is not intended to create a permanent split between the two sides. On the contrary, the ROC's membership in this world body would increase its confidence in the principle of reunification of China and trigger more active measures to pursue eventual reunion. The Chinese Communists would be enlightened if they would turn to the case of East and West Germany, which were coexisting members of the United Nations and later unified. North and South Korea serve as another example of full participation by a divided country in the United Nations and as solid evidence that separated political entities can simultaneously belong to an international organization. The ROC's efforts to participate in the United Nations must be carried out in line with the principle of a unified China, and will, Lien Chan believes, have positive effects on eventual reunification.

Reversing separate foreign and mainland policies independent of each other, Premier Lien has established links between the two. Taiwan has taken a number of actions to improve relations with Peking, including the renunciation of the use of force to achieve national reunification and the lifting of extensive restrictions on people-to-people exchanges. But until and unless the mainland responds positively to Taipei's good-will overtures, the ROC will not initiate official links and formal negotiations with the mainland. Peking must first halt its efforts to isolate Taipei internationally and renounce the use of force against Taiwan.

The Premier has obviously injected new and innovative ideas into the ROC's established policy toward the mainland. Taiwan has demonstrated a new sense of pragmatism and flexibility, which has won broad support both at home and abroad.

While maintaining a firm stand on the principles of the Mainland China policy, Lien's pragmatism is well reflected in his approach to the 1993 Koo-Wang talks. In view of the growing problems arising from the contacts and exchanges between Taiwan and the mainland in the early 1990s, the ROC Government established the Mainland Affairs Council (MAC) and a ''private'' Straits Exchange Foundation (SEF) to resolve emerging difficulties. The SEF has been authorized to make contacts and conduct negotiations on non-political issues of mutual concern with its Chinese Communist counterpart, the Association for Relations Across the Taiwan Straits (ARATS). Encouraged by the Premier and President Lee, the chairman of SEF, Koo Chen-foo, reached four agreements with his mainland counterpart, Wang Tao-han, the ARATS chairman, in their meetings in Singapore in April 1993. However, a number of Taiwan independence advocates and DPP leaders firmly opposed these agreements and initiated actions in both Taiwan and Singapore to block their signing. Keenly aware of the importance of these agreements to any future improvement in Taiwan-mainland exchanges, the pragmatic Premier, despite his strong anti-Communist stand, rejected the opposition, clearing the way for the signing of these historic agreements, which are the first such accords between Taiwan and the mainland since 1949. In August 1994, the Premier allowed both sides to meet in Taipei and again encouraged Taipei's representatives to reach important agreements with the mainland's delegates.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1129–S1250

Measures Introduced: Nine bills and four resolutions were introduced, as follows: S. 243–251, S.J. Res. 21–22, and S. Con. Res. 2–3. **Page S1207**

Unfunded Mandates: Senate continued consideration of S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, taking action on amendments proposed thereto, as follows: **Pages S1140–89, S1194–S1205**

Adopted:

(1) By a unanimous vote of 99 yeas (Vote No. 26), Levin/Kempthorne/Glenn Amendment No. 143, to provide for the infeasibility of the Congressional Budget Office making a cost estimate for Federal intergovernmental mandates. **Pages S1140–44**

(2) Nickles Amendment No. 169 (to Amendment No. 31), to require agencies to report on a proposed regulation's cost to the private sector if it is in excess of $100 million annually. **Pages S1181–87**

(3) By a unanimous vote of 96 yeas (Vote No. 30), Levin Modified Amendment No. 170, to include gender in the statutory rights prohibiting discrimination to which the Act shall not apply. **Pages S1187–89, S1197**

Rejected:

(1) Bumpers Amendment No. 144 (to Amendment No. 31), to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property. (By 73 yeas to 25 nays (Vote No. 28), Senate tabled the amendment.) **Pages S1140, S1150–58**

(2) Lieberman Amendment No. 151 (to Amendment No. 31), to exclude laws and regulations applying equally to governmental entities and the private sector. (By 53 yeas to 44 nays (Vote No. 29), Senate tabled the amendment.) **Pages S1160–80**

(3) Wellstone/Dodd Amendment No. 171 (to Amendment No. 31), to prohibit the consideration of legislation reported by a Congressional committee which does not contain an analysis of the probable impact of the legislation on children. (By 55 yeas to 42 nays (Vote No. 31), Senate tabled the amendment.) **Pages S1194–S1200**

(4) Gorton Amendment No. 31 (to committee amendment number 11), to prohibit the approval or certification of certain national history standards proposed by the National Center for History in Schools. (By 54 yeas to 43 nays (Vote No. 32), Senate tabled the amendment.) **Pages S1140–89, S1194–S1201**

(5) Committee amendment number 11, beginning on page 25, line 11, pertaining to committee jurisdiction. (By 55 yeas to 42 nays (Vote No. 33), Senate tabled the amendment.) **Pages S1140, S1194–S1201**

(6) Committee amendment number 12, beginning on page 27, line 9, to establish determinations of applicability to pending legislation and of Federal mandate levels. (By 55 yeas to 42 nays (Vote No. 34), Senate tabled the amendment.) **Page S1201**

(7) Committee amendment number 13, on page 33, line 11, to provide for consideration of legislation. (By 55 yeas to 42 nays (Vote No. 35), Senate tabled the amendment.) **Page S1202**

(8) Committee amendment number 14, beginning on page 34, line 10, to make provisions applicable of the Administrative Procedure Act. (By 55 yeas to 42 nays (Vote No. 36), Senate tabled the amendment.) **Page S1202**

During consideration of this bill today, the Senate also took the following action:

By 54 yeas to 44 nays (Vote No. 27), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the bill. **Page S1146**

A third motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion could occur on Saturday, January 21. **Page S1201**

Subsequently, the vote on the cloture motion scheduled to occur on Friday, January 20, and the vote on the cloture motion, listed above, were vitiated. **Pages S1203–05**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto.

Pages S1203–05

Message from the President: Senate received the following message from the President of the United States: Transmitting the Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coast of the United States; which was referred jointly, pursuant to 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations. (PM–1). **Page S1207**

Messages From the President: **Page S1207**

Statements on Introduced Bills: **Pages S1207–36**

Additional Cosponsors: **Page S1237**

Amendments Submitted: **Pages S1238–41**

Notices of Hearings: **Page S1241**

Authority for Committees: **Page S1241**

Additional Statements: **Pages S1241–50**

Record Votes: Eleven record votes were taken today. (Total—36)

Pages S1144, S1146, S1157–58, S1180, S1197, S1200–02

Recess: Senate convened at 9 a.m., and recessed at 11:55 p.m., until 10 a.m., on Friday, January 20, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on pages S1203–05.)

Committee Meetings

(Committees not listed did not meet)

EDUCATION REFORM/CHARTER SCHOOLS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings on issues relating to the restructuring and improving public education in America, focusing on the Federal charter school program, after receiving testimony from Linda G. Morra, Director of Education and Employment Issues, Health, Education, and Human Services Division, General Accounting Office; Louann A. Bierlein, Arizona State University, Tempe; and Linda Powell, Minnesota Commissioner of Education, and Milo J. Cutter, City Academy, both of St. Paul.

FUTURE OF HUD

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings to examine the management and budgetary situation at the Department of Housing and Urban Development, after receiving testimony from Henry G. Cisneros, Secretary, and Susan Gaffney, Inspector General, both of the Department of Housing and Urban Development; Judy A. England-Joseph, Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; and R. Scott Fosler and Feather O'Connor Houstoun, both of the National Academy of Public Administration, Washington, D.C.

ARMED FORCES

Committee on Armed Services: Committee held hearings to examine the condition of the United States Armed Forces and its future trends, receiving testimony from Maj. Gen. Douglas D. Buchholz, USA, Commanding General, U.S. Army Signal Center and Fort Gordon; Commander James G. Stavridis, USN, Commanding Officer, USS *John Barry* (DDG 52); Col. Jennings B. Beavers II, USMC, Commanding Officer, 8th Marine Infantry Regiment, 2nd Marine Division; Lt. Col. Mark G. Beesley, USAF, Commanding Officer, 494th Fighter Squadron, United States Air Force Europe; Edwin Dorn, Under Secretary (Personnel and Readiness), and John J. Hamre, Comptroller, both of the Department of Defense; and Adm. William A. Owens, USN, Vice Chairman, Joint Chiefs of Staff.

Hearings were recessed subject to call.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Robert Pitofsky, of Maryland, to be a Federal Trade Commissioner, after the nominee, who was introduced by Senator Sarbanes, testified and answered questions in his own behalf.

NUCLEAR SAFETY: U.S.-NORTH KOREAN NUCLEAR ACCORD

Committee on Energy and Natural Resources: Committee concluded hearings to examine the impact of the agreement between the United States and the Democratic People's Republic of Korea regarding the North Korea nuclear program on the Department of Energy and U.S. energy policy, after receiving testimony from Senator McCain; Charles B. Curtis, Under Secretary of Energy; Ashton B. Carter, Assistant Secretary of Defense for International Security Policy; Gary Samore, Deputy to the Ambassador at Large, Department of State; Ivan Selin, Chairman,

Nuclear Regulatory Commission; Morris Rosen, Assistant Secretary General and Director of Nuclear Safety, International Atomic Energy Agency (United Nations); Caspar W. Weinberger, former Secretary of Defense; Gary Milhollin, University of Wisconsin Law School, Madison, on behalf of the Wisconsin Project on Nuclear Arms Control; and Nicholas N. Eberstadt, American Enterprise Institute, Washington, D.C.

JOB CORPS PROGRAM

Committee on Labor and Human Resources: Committee concluded hearings to examine performance, accountability, and the incidence of violence at Job Corps sites, after receiving testimony from Doug Ross, Assistant Secretary for Employment and Training Administration, and Peter E. Rell, Director, and John Deering, Admissions Counselor (Region Five), both of the Job Corps, all of the Department of Labor; Larry King, Pine Knot, Kentucky, on behalf of the National Federation of Federal Employees/Forest Service Council; Mary S. Young, David L. Carrasco Job Corps Center, El Paso, Texas; Jamison Gorby, Red Rock Job Corps Center, Lopez, Pennsylvania; Curtis Gadsden, Mahwah, New Jersey; Robert Belfon, Piscataway, New Jersey; and John C. McCay, Irving, Texas.

COMMITTEE BUDGET REQUESTS

Committee on Rules and Administration: Committee concluded hearings after receiving testimony from Senators, as indicated, in support of resolutions requesting funds for operating expenses of their respective committees for periods from March 1, 1995, through February 29, 1996, and from March 1, 1996, through February 28, 1997, as follows:

Select Committee on Intelligence: (S. Res. 43), Senators Specter and Kerrey;

Committee on Appropriations: (S. Res. 38), Senator Hatfield;

Committee on Labor and Human Resources: (S. Res. 62), Senators Kassebaum and Kennedy;

Committee on Indian Affairs: (S. Res. 40), Senators McCain and Inouye;

Committee on Commerce, Science, and Transportation: (S. Res. 56), Senators Pressler and Hollings;

Committee on Banking, Housing, and Urban Affairs: (S. Res. 52), Senators D'Amato and Sarbanes;

Committee on Governmental Affairs: (S. Res. 45), Senators Roth and Glenn;

Committee on Veterans Affairs: (S. Res. 64), Senators Simpson and Rockefeller;

Committee on Armed Services: (S. Res.), Senators Thurmond and Nunn; and

Committee on Environment and Public Works: (S. Res. 48), Senators Chafee and Baucus.

Committee will begin consideration of the committee budget requests on Wednesday, January 25.

House of Representatives

Chamber Action

Bills Introduced: Thirty-one public bills, H.R. 566–596; and seven resolutions, H.J. Res. 56–60 and H. Res. 39–40, were introduced.

Pages H398–H400

Report Filed: One report was filed as follows: Report entitled ''Summary of Activities of the Committee on Banking, Finance and Urban Affair During the 103d Congress'' (H. Rept. 103–892), filed on January 2). **Page H398**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Dreier to act as Speaker pro tempore for today. **Page H329**

Journal: By a yea-and-nay vote of 218 yeas to 187 nays, Roll No. 20, the House approved the Journal of January 18. **Pages H329–30**

Unfunded Mandates Reform: House completed all general debate on H.R. 5, to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector; but came to no resolution thereon. Consideration of amendments will begin on January 20. **Pages H345–70**

H. Res. 38, the rule under which the bill is being considered, was agreed to earlier by a yea-and-nay vote of 350 yeas to 71 nays, Roll No. 21

Pages H334–44

Joint Economic Committee: The Speaker appointed Representatives Saxton, Ewing, Quinn, Manzullo, Sanford, Thornberry, Stark, Obey, Hamilton, and

Mfume as members of the Joint Economic Committee on the part of the House. Page H370

House of Representatives Page Board: Read a letter from the Minority Leader wherein he appointed Representative Kildee to serve on the House of Representatives Page Board for the 104th Congress. Page H370

Presidential Message—Fisheries Off the Coasts of the United States: Read a message from the President wherein he transmits the Agreements between the Government of the United States of America and the Government of the Republic of Estonia extending the Agreement of June 1, 1992, to June 30, 1996—referred to the Committee on Resources and ordered printed (H. Doc. 104–21). Page H370

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H400–11.

Quorum Calls—Votes: Two yea-and-nay votes were developed during the proceedings of the House today and appear on pages H329–30 and H343–44. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 5:59 p.m.

Committee Meetings

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior (and Related Agencies) held a hearing on Secretary of Energy, and on Chief of Forest Service. Testimony was heard from Hazel R. O'Leary, Secretary of Energy; and Jack W. Thomas, Chief, Forest Service, USDA.

LABOR—HHS—EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor—Health and Human Services—Education (and Related Agencies) held a hearing on Corporation for Public Broadcasting. Testimony was heard from Senator Pressler; Representatives Rohrabacher, Boehlert, Markey, Hefley, Crane, and Engel; the following officials of the Corporation for Public Broadcasting: Richard Carlson, President and CEO; and Henry Cauthen, Chairman, Board of Trustees; and public witnesses.

TREASURY—POSTAL SERVICE—GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury—Postal Service—General Government held a hearing on Downsizing Government/GSA Construction and Leasing. Testimony was heard from public witnesses.

COMMON SENSE LEGAL REFORMS ACT

Committee on Commerce: Subcommittee on Telecommunications and Finance held a hearing on H.R. 10, Common Sense Legal Reforms Act of 1995 (Title II, Reform of Private Securities Litigation). Testimony was heard from public witnesses.

CONTRACT WITH AMERICA: WELFARE REFORM

Committee on Economic and Educational Opportunities: Subcommittee on Postsecondary Education, Training and Life-Long Learning continued hearings on Contract With America: Welfare Reform/JOBS Program. Testimony was heard from William Waldman, Commissioner, Department of Human Services, State of New Jersey; Michael Genest, Deputy Director, Welfare Programs Division, Department of Social Services, State of California; Jean Rogers, Administrator, Division of Economic Support, Department of Health and Human Services, State of Wisconsin; and a public witness.

REGULATORY TRANSITION ACT

Committee on Government Reform and Oversight: Subcommittee on National Economic Growth, National Resources and Regulatory Affairs held a hearing on H.R. 450, Regulatory Transition Act of 1995. Testimony was heard from Representatives DeLay, Bliley, and Gekas; Sally Katzen, Administrator, Office of Information and Regulatory Affairs, OMB; Jim Strock, Environmental Protection Agency, State of California; and public witnesses.

EVALUATING U.S. FOREIGN POLICY

Committee on International Relations: Continued hearings on Evaluating U.S. Foreign Policy, Part II. Testimony was heard from Zbigniew Brzezinski, former National Security Adviser; and a public witness.

Hearings continue January 26.

TAKING BACK OUR STREETS ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on issues related to H.R. 3, Taking Back Our Streets Act of 1995. Testimony was heard from John Schmidt, Associate Attorney General, Department of Justice; Daniel E. Lungren, Attorney General, State of California; James E. Gilmore III, Attorney General, State of Virginia; Robert H. Macy, District Attorney, Oklahoma City, State of Oklahoma; Lynne Abraham, District Attorney, Philadelphia, State of Pennsylvania; and public witnesses.

Hearings continue tomorrow.

ADEQUACY OF THE ADMINISTRATION'S DEFENSE FUNDING PLAN

Committee on National Security: Held a hearing on the adequacy of the Administration's defense funding plan. Testimony was heard from Cindy Williams, Assistant Director, National Security Division, CBO; Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs, GAO; and public witnesses.

TAX—HOME OFFICE DEDUCTION AND INDEPENDENT CONTRACTOR STATUS

Committee on Small Business: Held a hearing on Tax—Home Office Deduction. Testimony was heard from Representative Allard; and public witnesses.

The Committee also held a hearing on Tax—Independent Contractor Status. Testimony was heard from public witnesses.

COMMITTEE ORGANIZATION

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation met for organizational purposes.

COMMITTEE ORGANIZATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment met for organizational purposes.

CONTRACT WITH AMERICA

Committee on Ways and Means: Continued hearings on proposals contained in the Contract With America, with emphasis on provisions to strengthen the American family. Testimony was heard from Representative Roth; and public witnesses.

Hearings continue January 24.

INTELLIGENCE SUPPORT TO THE U.N.

Permanent Select Committee on Intelligence: Held a hearing on Intelligence Support to the United Nations. Testimony was heard from the following officials of the Department of State: Toby T. Gati, Assistant Secretary, Bureau of Intelligence and Research; and Ambassador K. F. Inderfurth, Deputy U.S. Permanent Representative to the United Nations; Ambassador Hugh Montgomery, Special Assistant to the Director of Intelligence for Foreign Intelligence Relationships, CIA; and Maj. Gen. Patrick M. Hughes, USA, Director of Intelligence, J–2, Joint Chiefs of Staff, Department of Defense.

Joint Meetings

CHECHNYA

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission held hearings on the Russian assault on the Chechen Republic, focusing on its impact on Russian domestic policy and implications for international relations in the post-Cold-War period, receiving testimony from Elena Bonner, Moscow, Russia; Mohammed Shashani, Chechen-Ingush Society of America, Pittsburgh, Pennsylvania; and Paul Goble, Carnegie Endowment for International Peace, Charles Fairbanks, Johns Hopkins Foreign Policy Institute, and Maryam Elahi, Amnesty International, all of Washington, D.C.

Hearings were recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 20, 1995

(Committee meetings are open unless otherwise indicated)

Senate

No meetings are scheduled.

House

Committee on the Judiciary, Subcommittee on Crime, to continue hearings on issues related to H.R. 3, Taking Back Our Streets Act of 1995, 9 a.m., 2237 Rayburn.

Committee on Small Business, hearing on Tax-Deductibility of Health Insurance Costs by the Self-Employed, 10 a.m., 2359 Rayburn.

Committee on Ways and Means, Subcommittee on Health, to hold an organizational meeting, 11 a.m.; followed by a hearing on tax incentives for long-term care insurance as part of H.R. 8, Senior Citizens' Equity Act, 11:30 a.m., 1310 Longworth.

Subcommittee on Human Resources, to continue hearings on H.R. 4, Personal Responsibility Act, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Economic Committee, to hold hearings on proposals to amend the Constitution of the United States to require a balanced budget, 10 a.m., SD–562.

Next Meeting of the SENATE

10 a.m., Friday, January 20

Senate Chamber

Program for Friday: No legislative business is scheduled.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, January 20

House Chamber

Program for Friday: Continue consideration of H.R. 5, Unfunded Mandates Reform Act of 1995.

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record is available as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.